

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11404 of 2017

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1. Kuldeep Sharma and Anr son of late Dwarika Singh
 2. Ram Naresh Sharma son of late Ram Chandra Sharma All residents of village Nandanpura, P.O. Tehta, P.S. Makhdumpur, District Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Jehanabad, District Jehanabad.
3. The Competent Authority-cum-District Land Acquisition Officer, Jehanabad.
4. Additional Collector-cum-Arbitrator, Jehanabad.
5. Circle Officer, Makhdumpur, District Jehanabad.
6. The National Highway Authority of India through Project Implementation Unit, Gaya, House no. 70/224
7. Project Director, National Highway Authority of India, Gaya, House no. 70/224 Opposite of Judicial

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.R.K. Roy- Gp18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2025 Heard Mr. Sanjay Kumar, learned counsel for the

petitioners and the State.

Interlocutory Application Nos. 01/2021 & 02/2025

2. The Interlocutory Application 01/2025 was preferred for substitution of the original petitioner no.1, Kuldeep Sharma with that of his son, Pramod Kumar as according to the petition, petitioner no.1, Kuldeep Sharma died on 18.12.2020. The second Interlocutory Application No. 02/2025 has been filed by the wife of Pramod Kumar and it has been informed that he too died on 18.11.2024.

3. In that background, in place of Kuldeep Sharma (petitioner no.1) the name of Sarita Devi who is wife of late



Pramod Kumar, son of Kuldeep Sharma stands incorporated.

4. Both the Interlocutory Application Nos. 01/2021
& 02/2025 is/are disposed of.

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5. The writ petition has been filed for:-

“ for issuance of a writ in the nature of certiorari to quash the order dated 26.09.2016, passed by the Additional Collector-cum-Arbitrator, Jehanabad (respondent no.4) in Arbitration Case No. 52/2015-16, whereby the claim of the petitioners for declaring the nature of their land, measuring 25.6984 decimals, appertaining to Khata no.57, plot no.403 situated in village Nandanpura, Thana No. 316, as commercial land has been arbitrarily and illegally rejected and instead the same has been declared and categorized as progressive residential land' and for issuance of a consequential writ in the nature of mandamus commanding and directing the respondents to declare the nature of the said land of the petitioners as commercial land instead of progressive residential land' and the petitioners further pray for issuance of an appropriate writ/order/direction to which the petitioner may be found legally entitled to in the facts and circumstances of the present case.”



6. Learned counsel for the petitioners has taken this Court to paragraph-22 to show that in similar circumstances relating to Arbitration No. 31 of 2015-16, NHAI has preferred petition before the competent Civil Court.

7. Learned State counsel also echoes the submission of the learned counsel for the petitioners and submits that against the said order, they have to move to the competent Civil Court.

8. In that background and on the submissions of the parties, the writ petition stands disposed of granting liberty to the petitioners to approach the competent Civil Court for the redressal of the grievance.

9. If the limitation petition is filed, the court concerned shall take into account the fact that the petitioners were pursuing remedy since 2017 before the Patna High Court while considering the condonation petition.

10. The writ petition stands disposed of.

(Rajiv Roy, J)

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