

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11469 of 2017

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1. Mithilesh Prasad Sharma and Ors Son of Late Anugrah Narayan Sharma.
 2. Ranjeet Sharma alias Saheb Sharma, Son of Late Suryadeo Singh.
 3. Kuldeep Sharma, Son of Late Dwarika Singh.
 4. Ram Naresh Sharma, Son of Late Ramchandra Sharma, All residents of Village Nandanpura, P.O. Tehta, P.S. Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
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, Makhadumpur, 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, Adv.
For the Respondent/s : Mr. Sajid Salim Khan- Sc25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-07-2025 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner and the State.

Interlocutory Application Nos. 01/2021 & 02/2025

2. The Interlocutory Application 01/2021 was preferred for substitution of the original petitioner no.3, Kuldeep Sharma with that of his son, Pramod Kumar as according to the petition, petitioner no.3, Kuldeep Sharma died on 18.12.2020. The second Interlocutory Application No. 02/2025 has been filed by the wife



of Pramod Kumar namely Sarita Devi and it has been informed that he too died on 18.11.2024.

3. In that background, in place of Kuldeep Sharma (petitioner no.3) 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 28.09.2016, passed by the Additional Collector-cum-Arbitrator, Jehanabad (respondent no.4) in Arbitration Case No. 53/2015-16, whereby the claim of the petitioners for declaring the nature of their land, measuring 22.9803 decimals, appertaining to Khata no.43, plot no.354 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 submit that they shall be approaching the Competent Civil Court for the redressal of the grievance.

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)

Vijay Singh/-

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