

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17274 of 2017

1. Ashma Begam and Ors Wife of late Yasin Khan,
2. Md. Tabrez Khan, Son of Late Yasin Khan
3. Md. Tausif Khan, Son of late Yasin Khan All Resident of Village-Parsauni Mailwar, P.S.-Parsauni, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Project Director Authorities N.H.A.I. Motihari, East Champaran.
3. The Project Director Authorities N.H.A.I. 104 Muzaffarpur.
4. The Regional Officer N.H.A.I. Shri Krishnapuri Patna
5. The State of Bihar through Collector, Sitamarhi.
6. The District Land Acquisition Officer, Sitamarhi.
7. The Additional Collector Cum Arbitrator, Sitamarhi.
8. The Sub-Registrar, Registry Office, Sitamarhi.
9. The Executive Engineer N.H. Division Road Construction Department R.C.D. Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Respondent/s : Dr. Iti Suman, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-06-2025 Heard Mr. Rajesh Ranjan, learned counsel for the petitioners duly assisted by Mr. Chandra Mohan Jha and Dr. Iti Suman representing the respondent.

2. The present writ petition has been preferred for the following relief(s):

“A. For issuance of appropriate writ or direction to the respondent authorities for determination of amount of compensation to the lands of the petitioners which has been acquired in pursuance to notification dated 16.07.2012 which rectified by notification dated 17.12.2012, for



widening the N.H. 104, according to the Act and Rules, which provided for determination of amount of the acquired land by setting aside the notice dated 07.07.2015 issued by the respondent No.5 by which amount of compensation has been determined much less the rate fixed for registration of the land by the revenue authority by the state of Bihar as fixed in M.V.R. as Rs. 60,000/= per decimal, since the land of the petitioner is situated beside the N.H. 104 as well as beside the tube well industries.

B. For issuance of direction to the respondent authorities to make payment of the amount of compensation along with statutory interest i.e. 12% per annum after determination of the amount of compensation as claimed in relief-A, since the due date of payment till the payment is made.

C. For issuance of direction to the respondent authorities to make payment of the construction also made by the petitioners upon some part of the acquired land after making assessment of the same.

D. This writ is also for grant the relief/reliefs as the petitioners are found entitled.”



3. Learned counsel for the petitioner submits that after the Arbitrator referred the matter back to the District Land Acquisition Officer, Sitamarhi, he has wrongly re-determined the land of the petitioners. Though they have taken compensation, they are aggrieved by the re-determination.

4. Dr. Iti Suman representing the respondents submits that if still aggrieved, though compensation has been taken by them, they could have approached the Arbitrator once again.

5. At this stage, learned counsel for the petitioner submits that they shall be approaching the Arbitrator.

6. Granting said liberty and if the petitioners approach the Arbitrator in next eight weeks, the limitation petition has to be taken note of in view of the fact that the petitioners were before this Court for last eight years. Needless to record, if any such petition is filed within the stipulated period, the authority shall take it to its logical conclusion at an earliest preferably within a period of six months.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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