

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14299 of 2016

=====

Bibi Farzana Khatoon Daughter of Late Ghulam Rezani Permant resident of village- Dehit, P.S- Palasi, District - Araia, at present resident of Rahika tola, Ward No 19 Nagar Parishad, Araria, P.S- Araria, District - Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Araria.
3. The Additional Collector-Cum-Arbitrator, Purnea.
4. The District Land Acquisition Officer, Araria.
5. The Circle Officer, Palasi, District - Araia.
6. The Project Director, National Highway Authority of India, Four lane Road, N.H. 51, Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Mishra, Advocate
	:	Mr. Md. Nurul Hoda, Advocate
For the State	:	Mr. Raj Kishore Roy, GP-18
For the NHAI	:	Dr. Iti Suman, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-07-2025 Heard the parties.

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

“(i) For issuance of an appropriate writ /writs in the nature of certiorari for quashing the impugned Orders dated 15.10.2011 and 28.09.2015 (Annexure-22) whereby and where under Respondent No.4 (the District Land Acquisition Officer, Araria) has wrongly rejected the claim of the petitioner for payment of



compensation for the land of the petitioner bearing Khata No.43, Plot Nos. 107 having Area 02.53 acres respectively situated in the Mauza-Simraha under Forbesganj Block of the District of Araria as from the said land 91.½ decimal land has already been acquired for making the N.H. 57 and the Road has been constructed over the same as four lane, but, compensation of the same has not been paid to the petitioner on one pretext or the other and the petitioner has been moving from posts to pillars, but, without yielding any fruitful result.

(ii) For issuance of an appropriate writ /writs in the nature of including MANDAMUS, commanding/ directing the concerned Respondents to make appropriate correction in the Gazette Notification dated 22.06.2006 published in the Hindi Daily Newspaper HINDUSTAN for acquisition of land of the petitioner for making the N.H. 57 as four lane in which the land of the petitioner bearing Khata No.43, Plot Nos. 107, Area 02.53 acres



from which 91.½ land has been acquired which is situated in the Mauza- Simraha under Forbesganj Block of the district of Araria; was notified on the name of the petitioner, but, instead of giving his father's name as Ghulam Rezani the same was given as her husband name as Ghulam Rabbani which is wrong and further instead of giving her village name as Dehti it was mentioned as Dehri and the said land has been under exclusive title and possession of the petitioner only, but, subsequently the name of one Md. Imamuddin, son of Hazi Md. Jamiruddin was wrongly and erroneously added by the Amlas of the local revenue offices as one of the co-sharer with ulterior motive which may be ordered to be deleted.

(iii) For further issuance of appropriate writ/writs in the nature of mandamus, directing/commanding the concerned respondents to make payment of the compensation to the petitioner in accordance with the prevailing law of the land after proper



valuation of the land and considering the changed nature of the land after making proper inquiry without any further delay as the land in question is homestead land and the payment of the compensation has not been done as yet despite repeated requests and representations of the petitioner before the concerned respondents.

(iv) Any other relief/ reliefs may also be granted in favour of the petitioner in the in the facts and circumstances of the case.”

3. Two counter affidavits have come one by the respondent no. 2 and 3 other by the National Highway Authority of India.

4. The order of the District Land Acquisition Officer, Araria (Annexure-27) of the writ petition shows that the compensation that is being demanded by the petitioner relates to a land which was acquired by the government earlier itself.

5. The same is best supported by the counter affidavit of the National Highway Authority of India and Dr. Iti Suman, learned counsel has taken this paragraph no. 4 and 5 to show that in the year 1960-64, itself for the acquisition of Lateral Road Project, the landholders were given the compensation.



6. Taking into account the aforesaid facts and the un rebutted averment made in the counter affidavit, the petitioner do not have any case.

7. Learned counsel for the petitioner submits he shall be taking further steps in accordance with law.

8. Said liberty is always there.

9. In view of the aforesaid observations, the writ petition stands disposed of as having no merit in this case.

(Rajiv Roy, J)

vinayak/-

U			
---	--	--	--

