

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16054 of 2017

=====

Rajendra Prasad Singh Son of Late Shive Nandan Singh, Resident of Village-
Negha Bigha, Police Station- Saliya, District- Aurangabad, At present
Resident of Negha Bigha, House Club Road, P.O., P.S. and District-
Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Gaya.
4. The District Magistrate, Aurangabad.
5. The Land Acquisition Officer, Aurangabad.
6. The Land Revenue Development Officer, Aurangabad.
7. The Circle Officer, Sadar, Aurangabad.
8. The Divisional Zonal Manager, N.H. Divisional Varanasi, U.P.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Akhilesh Kumar Sinha, Advocate
For the Respondent/s	:	Mr. M.K. Ambastha, SC-26
		Mr. Santosh Kr. Mishra, AC to SC-26
		Mr. Anshay Bahadur Mathur, CGC
For the NHAI	:	Dr. Anand Kumar Rajan Prakash, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2025 Heard Mr. Prashant Kumar, learned counsel for the

petitioner and Mr. Manoj Kumar Ambastha, learned SC-26.

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

*“(i) For issuance of writ in the nature of
Mandamus or any other appropriate writ/order or
direction to the respondent to pay the
compensation of the entire land in question as per*



the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 to the petitioner.

(ii) For issuance of writ of mandamus or any other appropriate writ /order or direction respondents to determine/calculate to the the compensation as per market value of land and interest, cost etc. taking into account the nature of land as mentioned in the representation petitioner submitted to respondent no. 5.

(iii) For any other appropriate writ for which the petitioner is otherwise entitled in the eye of law.”

3. The matter regarding to categorization of land went up to the Arbitrator-cum-Additional Collector, Aurangabad in Land Acquisition Case No. 28/2016-17 (Rajendra Prasad Singh vs Project Director NH-2, Government of India, Varanasi Zone and others) which was disposed of on 03.07.2017 and the claim for treating it as commercial land was rejected (Annexure-9 to the petition).

4. Counter-affidavits have come in this case and the contention of the respondent is/are that once rejected, the



petitioner/heirs ought to have moved before a competent Civil Court for the redressal of the grievance under appropriate section of the Arbitration and Conciliation Act, 1996.

5. At this stage, learned counsel for the petitioner submits that the heirs be granted to approach the competent Civil Court.

6. Granting said liberty, the writ petition stands disposed of.

7. If any petition is preferred in next six weeks, the Court concerned shall take notice of the fact that the writ petition was pending before the Patna High Court since the year 2017 while dealing with the limitation petition.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

