

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13582 of 2016

=====

Fazlur Rahman Son of Late Ghulam Rabbani permanent resident of Village-Dehti, P.S.- Palasi, District- Araria, at Present resident of Rahika Tola, Ward No. 19, Nagar Parishad , Araria, P.S. Araris, District- Araria

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
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- Araria
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
For the Respondent/s	:	Mr.Sajid Salim Khan-Sc25
For the NHAI	:	Dr. Iti Suman, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-07-2025 Learned counsel for the petitioner, learned counsel appearing on behalf of the State as also counsel appearing for National Highway Authority of India.

2. The present petition has been preferred for grant of the 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-21) 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 0.54 Dismal and 1.38 acres (Total 1.92 acres) land of the petitioner bearing Khata No.43, Plot Nos. 105 & 107 having Area 03.54 acres & 03.36 acres respectively situated in the Mauza- Simraha under Forbesganj Block of the District of Araria as the said pieces of the said lands have 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. 105 & 107, Area 03.54 acres & 03.36 acres from which 0.54 Decimals and 1.38 acres respectively (total-1.92 acres) has been been acquired which is



situated in the Mauza- Simraha under Forbesganj Block of the district of Araria; has been notified on the name of the petitioner, but, instead of giving his village name as Dehti the same has been given as Dehri and further 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 has been 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.

(ii) For further issuance of an 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.

(iii) Any other relief/ reliefs



may also be granted in favour of the petitioner in the in the facts and circumstances of the case.”

3. A counter affidavit on behalf of respondent nos. 2 to 5 is on record after service of copy to the learned counsel for the petitioner on 10.08.2017.

4. Paragraph 15 of the said counter affidavit reads as follows:-

“15. That with regard to the statement made in paragraph 21 of the writ application, it is submitted that, it is true that the claim of the petitioner was found unsustainable with regard to the payment of the compensation of the land acquired for the construction of the NH-57 for the reason that the said land had been declared surplus u/s-11(1) of the Land Ceiling Act in Ceiling Case No. 26/73-74. The order dated 15.10.2011 passed in Misc. Case 01/2011 by the District Land Acquisition Officer, Araria still holds good.”

5. There is no rebuttal to it.

6. Both the learned State counsel as also counsel appearing on behalf of NHAI jointly submits that when the land in question has been declared surplus as recorded above, no relief can be extended to the petitioner.

7. This Court is in full agreement with the



submissions put forwarded by the learned counsel for the parties. The unrebutted statement of the State is that the land in question is a surplus land. In that background, there is no merit in this case.

8. Accordingly, the present writ petition is dismissed.

(Rajiv Roy, J)

Ankit Kumar/-

U			
---	--	--	--

