

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18361 of 2017**

1. Naresh Prasad Sinha and Ors Son of Late Ganga Prasad, R/o Village-Murtazapur, P.S.- Belchhi, P.O.- Masatthu, District- Patna, at Present residing at Flat NO. 201, Kanti Plaza, Road NO. 22, S.K, Nagar, P.S.- Kidwaipuri, Distirct- Patna.
2. Ram Lakhan Prasad Sinha, son of Late Ganga Prasad, r/o village-Murtazapur, P.S.- Belchhi, P.O. Masatthu, District- Patna, at present residing at 73, Munirka Enclave, Nelson Mandela Road, P.S. Vasant Vihar, New Delhi.
3. Anjani Kumar Sinha, Son of Late Siddheshwar Prasad Sinha, r/o village-Murtazapur, P.S.- Belchhi, P.O. Masatthu, District- Patna, at present residing at 161, Munirka Enclave, Nelson Mandela Road, P.S. Vasant Vihar, New Delhi.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Managing Director, National Highway Authority of India.
3. The Regional Manager, National Highway Authority of India.
4. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
5. The District Magistrate, Patna.
6. Director, Land Acquisition Department, Bihar, Patna.
7. District Land Acquisition Officer-cum-Competent Authority, District- Patna, Bihar.
8. Land Reforms Development Commissioner, Barh, Patna.
9. Superintendent of Police, Rural, Patna.
10. M/s Montecarlo Limited, through its Project Manager, having its office at Fatuha- Harnaut- Barh N.H

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr .Rajesh Kumar, Advocate         |
| For the State        | : | Mr. Manoj Kumar Sinha, AC to SC-19 |
| For the NHAI         | : | Dr. Maruya Vijay Chandra, Advocate |
|                      |   | Mr. Gaurav Govinda, Advocate       |
|                      |   | Ms. Preety Ranjan, Advocate        |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      23-06-2025                      Heard Mr. Rajesh Kumar, learned counsel for the  
petitioners, learned State counsel and learned counsel for NHAI.

2. The present writ petition has been preferred by the



petitioners seeking direction upon the respondents authorities to forth with set free their land from illegal encroachment, which has been forcefully and illegally encroached by the respondents for widening the Fathua-Harnaut-Barh at NH-30A, Saksohra Harnaut Road in the village-Belchhi, District-Patna. Further a direction may be given to the respondents authorities to compensate the monetary loss incurred by the petitioners on account of damaging their land by filling soil and constructing road on it.

3. It is the case of the petitioners that a land (Area- 23 decimal) Kheshra No. 324, Mauza-Belchi, Thana- 268 , Pargana-Gayaspur, Village-Belchi, District-Patna where the NH-30A has been constructed.

4. The claim of the petitioners is that the respondents have encroached some part of 23 decimal of land for the said National Highway without paying a single penny. He submits that though, under RTI information, they claim that no such land was acquired for which the payment has to be made, the fact remains that he is now content with lesser land to what he was paying rent before the Circle Office.

5. Though, a counter affidavit was served on behalf of the respondents to the learned counsel for the petitioners, the



same is not on the record. It is unfortunate that the State chose to look the other way and for seven years, there is no reply on record. However, instead of imposing cost and directing the State to file another reply, it would be appropriate that the petitioners approach the Collector, Patna with a proper representation, though, the claim of the petitioners is that earlier also, he preferred representation (Annexure-5) to the petition on 18.11.2017 which was not taken to its logical conclusion.

6. If the same is preferred, the respondent Collector, Patna is duty bound to get the land of the petitioners measured under the concerned Circle Office in the presence of the petitioners to check whether the land has been taken for the construction of the National Highway.

7. If, after measurement of the land in the presence of the officials/petitioners, the Collector, Patna comes to a conclusion that some part of the land has been taken for construction of the aforesaid National Highway, certainly, the petitioners shall be entitled for compensation.

8. If the order is otherwise, the petitioners shall be free to agitate the matter before the appropriate forum.

9. The entire process has to be completed within a period of four months from the date, the petitioners files a fresh



representation before the respondent Collector, Patna.

10. The writ petition stands disposed of with the  
aforesaid observation.

**(Rajiv Roy, J)**

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