

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21031 of 2018

1. Kmeshwar Singh and Anr son of Late Jagdish Singh.
2. Yashoda Kunwar W/o Ramadhar Singh. resident of Village Sakari, P.O. Kudra, District Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, through its Chief Secretary, Patna, Bihar.
3. The District Collector-cum- Land Acquisition Officer, District- Kaimur.
4. The Anchal Adhikari, Kudra, District- Kaimur.
5. The Divisional Commissioner, Patna Division, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar, Advocate
For the Respondent/s : Mr.Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2025 Learned counsel for the petitioner prays for and is allowed to implead the Divisional Commissioner, Patna Division, Patna as respondent no.5 in course of the day.

2. Heard Mr. Dharmesh Kumar, learned counsel for the petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14.

3. The present petition has been preferred for the following relief/s:

(i) to command and direct the respondents to pay the compensation amount on the basis of residential land as the respondent no.3 while directing to prepare award has acted



arbitrarily without complying the principles of natural justice and has prepared award in two category of Mauza Sakari 25356 hectare of land were categorized as agricultural land including the land of the petitioner and adjacent land 2.3649 hectare land has been categorized as residential;

(ii) to command and direct the respondents to pay compensation of the acquired land of the petitioner on the basis of residential category as has been done in the case of adjacent land holder Birendra Kr. Singh on the direction of the Hon'ble Commissioner by order dated 22.8.2015 by which the adjacent land has been declared and award has been modified from Agricultural to residential;

(iii) to command and direct the respondents to modify the award as has been done in adjacent land holder case vide Arbitration Case No.5 of 2016, order dated 12.9.2017 passed by the Hon'ble Commissioner;



(iv) to command and direct the respondents to modify the award after considering three district and fundamental jurisdiction principles while determining the nature of the land i.e. (I) duty to adopt judicial approach (II) compliance with the principles of natural justice particularly application of mind to the attending facts and circumstances (III) that the decision must be based on site report and sale deed of the surrounding area;

(v) to direct and command the respondents that while deciding the nature of land, existing potentially be taken into account;

(vi) any other relief/reliefs for which petitioner is entitled thereto.

4. After some argument, learned counsel for the petitioner submits that like all other neighbouring land holders, he shall also be approaching the Arbitrator cum Divisional Commissioner, Patna Division, Patna for the redressal of the grievance but there has been some delay, since the year, 2018 he was pursuing the remedy before the Patna High Court.



5. The writ petition is disposed of allowing the petitioner to approach the concerned respondent and if it is filed in eight weeks, the respondent, Arbitrator cum Divisional Commissioner, Patna Division, Patna shall consider the limitation petition in the background of the fact that the writ petition is/was pending in the Patna High Court since 2018.

(Rajiv Roy, J)

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