

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20462 of 2016

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Sudarshan Thakur son of Late Dukhi Thakur, Resident of Village- Darauli,
P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The National Highways Authority through its Director, Delhi.
2. The Project Director, National Highways Authority, Sasaram, Rohtas.
3. The State of Bihar Through its Principal Secretary, Revenue Department,
Govt. of Bihar, Patna.
4. The Arbitrary cum Additional Collector, District- Kaimur Bhabua.
5. The Competent Authority Cum District Land Acquisition Officer, Kaimur,
District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan- Sc25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2025

Heard the parties.

2. The present writ petition has been filed for the
following reliefs:

*“For quashing the order dated 07.06.2016
passed by the Additional Collector Cum Arbitrator,
Kaimur (Bhabua) in Misc. Case no. 235/2014-15
by which he has dismissed the petition of the
petitioner by which he has prayed to treat the land
of the as petitioner commercial by issuance of writ
in the nature of certiorari as well as for issuance of
writ in the nature of mandamus or any other writ
or writs or direction or directions to the
respondents to treat the land in question of the
petitioner as commercial and accordingly to the
pay compensation along with reasonable
compound interest.”*



3. The petitioner has taken this Court to the counter-affidavit of the State respondent reference to paragraph nos. 16 and 17 which read as follows:

“16. That it is humbly submitted that in the meantime after the enactment of new Land Acquisition Act (RFCTLAR Act 2013) a letter no- 748/R dated 07.06.2016 issued by the Director Land Acquisition Bihar to prepared amended award according to the provision of section 24 and 28 (7) and section 26 of the RFCTLAR Act, 2013. The Collector has also given his consent to prepare amended award. And a letter no. 595/LA dated 2.08.2016 was sent to the NHAI authority for approval of the estimate. In the light of the aforesaid fact anew procedure U/s- 26 of the new act is started treating 01.01.2014 as its base date and amended award was also sent to NHAI, Sasaram for approval in the year 2016.

True copies of the Letter no.-748/R dated 7.6.2016 and letter no- 595/ LA dated 2.08.2016 are annexed herewith and marked as Annexure-R-3 and R-4, respectively to this counter affidavit.

17. That the statement made in paragraph 18 of the writ, application, it is submitted that in aforesaid paragraph the proposed calculation of the land acquired under Mauza-Sarangpur has been prepared according to the new land acquisition Act, 2013 and after its preparation the same would be sent to the NHAI authority for its approval. The land of the writ petitioner has already been declared residential by six men committee under the chairmanship of the District Magistrate, Kaimur. After approval of award by the NHAI authority and after receipt of the differential amounts between the old award and new award the same shall be paid to the writ petitioner without fail.”

4. He submits that in the case of **Ghurbhari**



Thakur and analogous cases (CWJC No. 20275 of 2016) and others v. The NHAI and others, a co-ordinate Bench vide an order dated 21.12.2022 having taken note of the similar affidavit of the State respondents directed them to do the needful in 8 weeks and inform the petitioner accordingly.

5. This Court also follows the same route. The respondents should look into the matter and do the needful at the earliest if the process has still not been completed.

6. Accordingly, the writ petition stands disposed of

(Rajiv Roy, J)

Shahnawaz/-

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