

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3385 of 2016

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Sabhapati Singh son of Late Rajmi Kunwar, resident of Mohalla- Ekta Nagar,
P.O.P.S.- Phulwarisarif, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Land and Revenue Department, Govt. of Bihar,
Patna
3. The District Magistrate, Patna
4. The District Land Acquisition Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate
For the Respondent/s : Ms. Archana Minakshi, GP-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-07-2025 Heard Mr. Deepak Kumar Sinha, learned counsel for

the petitioner Ms. Archana Minakshi, GP-6.

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

*(i) to command and direct the respondents to
pay the solarium amount @60% amount of
total compensation amount as per the land
acquisition act 2007 instead of 30%
solatium amount paid to the petitioner
though he has voluntarily ready to give their
land to Govt. for the purpose of
construction of four lane road i.e. National*



Highway Patna-Buxar lane but discriminately however other persons like petitioner who have given oath with regard to land for same purpose before the land acquisition officer of Patna voluntarily for land acquisition on the same date or within a prescribed period as petitioner;

(ii) to further command the direct respondents that after calculating a fresh 60% solatium amount and after calculation of same rest amount be paid to petitioner immediately as other persons have received 60% solatium amount;

(iii) for which petitioner is entitle for.

3. The claim of the petitioner relates to a piece of land which has been acquired for widening of the National Highway-30 pursuant to the notification issued in the year 2012-13.

4. Learned counsel for the petitioner submits that though 30 per cent of solatium amount was cleared, following the new Act, he is entitled to additional amount which has still eluded amount. A counter affidavit on behalf of State-respondent is on record and paragraph-21 read as follows:



21. That the statements made in paragraph 5 to 13 are concerned, it is submitted that in view of amendment in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the provision of this act has been made applicable in the land acquisition proceeding for National Highway. Therefore, the preparation of revised estimate under the said new act 2013 is in process which prescribes 100% solatium. After sanction of revised estimate, the petitioner will be paid compensation amount of the rest solatium.

5. Learned counsel for the petitioner submits that this counter affidavit was filed in they year 2016 and still nothing happened. As per the last instruction given by the petitioner, he submits that for the ends of justice, he shall be approaching the competent authority with a proper petition/document as also his own contention for the redressal of his grievance.



6. Learned State counsel has no objection.

7. In that background, the writ petition is disposed of allowing the petitioner to approach the appropriate/competent authority alongwith the supporting documents in view of the categorical statement made by the State as recorded above and the State authority shall be duty bound to hear all the parties including the National Highway Authority of India and take the matter to its logical conclusion preferably by 31.12.2025.

8. Needless to add, since the petition was pending before this Court for long, while dealing with limitation petition, the authority concerned shall keep this in mind.

9. Pending Interlocutory Application(s), if any also stand(s) disposed of.

(Rajiv Roy, J)

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