

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17786 of 2016

Binay Kumar Gupta and Anr

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy- Gp18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present petition has been preferred for
following reliefs:

*“For issuing writ of mandamus or
any other appropriate writ(s), order(s),
direction(s) etc. commanding the respondent
authorities to prepare award of compensation in
favour of the petitioners for their acquired land
pertaining to mauza Sebanan, Thana no.- 420,
Khata No. 22/95, Plot no. 1280 Area 0.14 acre
treating same as commercial in terms of Arbitral
order dated 9.01.2016 the learned by passed
Additional Collector-cum-Arbitrator, Jehanabad
and consequently pay compensation at
commercial rate taking into account the present
Commercial Value of acquired land and/or pass
any other order which may be fit and proper in
the facts and circumstances of this case.”*



3. The case of the petitioner is that his land was taken for the construction/widening of National Highway-83, but the award was prepared treating it as an agricultural land. Aggrieved by the same, petitioner moved before this Court in C.W.J.C. No.2718 of 2015, which was disposed of on 30.09.2015 directing the respondents to take a decision in the matter.

4. Pursuant thereto, the respondents on the basis of reports submitted by the Circle Officer, passed an order treating it to be a commercial land and, accordingly, directed the District Land Acquisition Officer, Jehanabad to prepare award on commercial rate.

5. The National Highway Authority of India has also filed a counter affidavit and according to it, being aggrieved by the order treating the land to be commercial, under Section 34 and 36 of the Arbitration and Conciliation Act, 1996, they have preferred Miscellaneous Case No.13 of 2018 before the competent Civil Court, Gaya.

6. Learned counsel for the petitioner submits that as the National Highway Authority of India has preferred a petition, they shall be contesting the same.

7. Needless to add, once the petitioners appear, the concerned Court shall see to the matter and requested to



expedite the same.

8. This petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

anand/-

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