

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5046 of 2022

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1. Mamta Devi W/o Dharmpal Thakur @ Dharampal Thakur, Resident of Police Line Madhy Vidyalaya, Teacher Colony, Chhota Pachgarh, P.S. - Sahebganj, District - Sahebganj (Jharkhand).
 2. Shiva Devi W/o Gopal Narayan Thakur, Resident of Kelabari Pokharia, P.S. - Sahebganj, District - Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Collector cum District Magistrate, Bhagalpur, District - Bhagalpur.
5. The District Land Acquisition Officer, Bhagalpur, District - Bhagalpur.
6. The Sub Divisional Officer, Kahalgaon, District - Bhagalpur.
7. The Deputy Collector Land Reforms, Kahalgaon, District - Bhagalpur.
8. The Circle Officer, Pirpainti, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Adv.
For the State	:	Mr. Sajid Salim Khan, SC 25
For the NHAI	:	Mr. Iti Suman, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-11-2025 The instant writ petition has been filed by the petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“ A. For issuance of a Writ in the nature of Certiorari or any other appropriate writ to quash and set aside the impugned Notice under Section 37 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("Act, 2013") dated



06.10.2021 issued by the Collector, Bhagalpur, in भू अ० वाद संख्या 77 2019-20. पंचाट स० 20, पंचाट स० 21 and पंचाट स० 22, whereby andwhere under without providing any opportunity of participation inthe land acquisition proceedings, an award has been prepared, determining the compensation amount and directed the Petitioners to accept the compensation amount if agreed with the same. (ANNEXURE-3 Series)

B. For issuance of a Writ in the nature of Mandamus or any other appropriate Writ, Order/s, Direction/s commanding the amount of Respondents to amend/ modify/ revise the compensation by enhancing the same which is much below the market rate in the award dated 06.10.2021 considering the objections/ applications of the Petitioners dated 07.01.2022 pertaining to re-computation of compensation qua, the Land of the Petitioners at Mauja Makaranpur, Thana No. 208, Khata No. 24, Khesra No. 340, admeasuring 0.03 Acre, 0.03 Acre and 0.33 Acre land respectively, situated in Village Makaranpur of the Pirpainti Block of Bhagalpur District.

C. For any other relief/s to which the Petitioners are found entitled for.

2. Mr. Uday Pratap Singh, learned counsel for the petitioners, Mrs. Iti Suman learned counsel for the NHAI and Mr. Sajid Salim Khan, learned counsel for the other State-respondents are present and they are heard.

3. It is admitted position that petitioners' land situated



at Mauja Makaranpur, Thana No. 208, Khata No. 24, Khesra No. 340, admeasuring 0.03 Acre, 0.03 Acre and 0.33 Acre respectively, in Village Makaranpur of the Pirpainti Block of Bhagalpur District has been acquired for the construction of N.H.-80 and after receiving the notice (Annexure-P/3 series) sent by the District Land Acquisition Officer, they appeared and objected to the rate of compensation on the basis of nature of their land and in this regard, Annexure-P/5 series is relevant.

4. Though, the petitioners have not availed the remedy available to them under section 3G(5) of the National Highway Act, 1956 and they directly approached this court by way of filing this writ petition but even then the District Land Acquisition Officer should have referred the petitioners' objection to the Arbitrator for deciding the issue of quantum of compensation without any delay but the District Land Acquisition Officer did not take any step on his part.

5. Considering all these aspects, the petitioners are directed to approach before the Arbitrator appointed by the Central Government for raising their grievance with regard to the aforesaid issue within four weeks from today. if the petitioners file their objection which, are detailed in Annexure-P/3 series, then the Arbitrator shall decide their objection/



application within six months according to merit and shall not dismiss the same mainly on the ground of limitation.

6. With the aforesaid direction, this writ petition stands disposed.

(Shailendra Singh, J)

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