

Shiv Shankar Singh @ Jitu Singh Son of Late Kishori Raman Singh, Resident of Village- Auan, P.O.- Thanua, P.S.- Shivsagar, District- Rohtas (Bihar).

Versus

1. The State of Bihar through its Chief Secretary, Govt of Bihar Patna.
2. The Administrator, National Highway Authority of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt of India, Project Implementation Unit, Piu, Sasaram through its Project Director.
4. The Project Director, National Highway Authority, Sasaram.
5. The District Magistrate, Rohtas at Sasaram, District- Rohtas (Bihar).
6. The Six Men Committee Headed by the Collector, Rohtas, Sasaram.
7. The Deputy Development Commissioner, Rohtas, Sasaram.
8. The Competent Authority cum District Land Acquisition Officer, Rohtas, Sasaram, District- Rohtas, (Bihar).
9. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

For the Petitioner/s : Mr. Jai Prakash Singh, Adv
For the Respondent/s : Md. Khurshid Alam (AAG 12)
Mr. Rajesh Kumar Shandilya, Adv
Ms. Ankita Kumar, Adv

4 04-08-2025 1. Heard learned counsel for the petitioner, learned AC to AAG-12 and the learned counsel appearing on behalf of NHAI.

2. Learned counsel for the petitioner submits that the case was taken up on 7-7-2025 when the State and the NHAI were granted four weeks' time for filing counter-affidavit and the case was directed to be listed today.

3. Today when the case is taken up, the learned counsel appearing on behalf of the State and NHAI seeks further time for



filing counter-affidavit.

4. The Court is not inclined to grant any further time to the State and the NHAI for filing counter-affidavit.

5. The learned counsel appearing on behalf of the petitioner submits that the land in dispute in the instant writ application appertains to Khata No. 11, Khesra No. 18, Mauza-Kauadih, Thana No.- 86, District-Rohtas. It is next submitted that the land is *raiya* land of the petitioner and the same was acquired for widening of NH-2 from 890 Kms (Varanasi-Aurangabad section). It is further submitted that the land was acquired in pursuance of the requisition made by the NHAI to the authority competent of the State.

6. It is submitted that after land was acquired, award dated 25-8-2017 was prepared under the signature of District Land Acquisition Officer, Rohtas. It is next submitted that the NHAI was aggrieved by the awarded amount to the petitioner, as such moved before the Collector, Rohtas raising grievance with regard to the compensation awarded to the petitioner based on which a six-man committee was formed and on the recommendation of the Committee, the District Land Acquisition Officer recalled his earlier award dated 25-8-2017 and prepared fresh award dated 30-7-2018.



7. The learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed assailing the order dated 30-7-2018 passed by the District Land Acquisition Officer, Rohtas, whereby the earlier award dated 25-8-2017 has been reviewed.

8. The learned counsel appearing on behalf of the petitioner next submits that had the petitioner been aggrieved by the award of the authority competent, in that event the petitioner had remedy of approaching the Commissioner-cum-Arbitrator under Section 3G(5) of National Highways Act, 1956, similarly if NHAI was aggrieved by the award dated 25-8-2017 passed by the District Land Acquisition Officer, Rohtas, in that event the NHAI also had remedy of moving before the Commissioner-cum-Arbitrator assailing the award, but then the NHAI took circuitous route by approaching the Collector based on which the earlier award was reviewed.

9. Learned counsel for the petitioner next submits that similar issue had arisen for consideration in CWJC No. 5750 of 2019 (Parmila Devi & Ors. vs. the Union of India & Ors.). It is next submitted that CWJC No. 5750 of 2019 was heard with other analogous writ applications. It is further submitted that petitioner would be satisfied in the event if the writ application



is disposed of with a direction to the authorities to consider the case of the petitioner in light of judgement dated 17-7-2023 in CWJC No. 5750 of 2019. It is next submitted that in the event if the case of the petitioner is squarely covered by the aforesaid judgement, in that event similar relief be granted to the petitioner, but if the case of the petitioner is not covered by the aforesaid judgement, in that event the respondent authorities shall pass a reasoned order giving reasons that as to why the case of the petitioner is not similar to the case decided in CWJC No. 5750 of 2019.

10. The learned counsel appearing on behalf of the State and the NHAI do not dispute the said submission of the learned counsel appearing on behalf of the petitioner.

11. After hearing the learned counsel for the parties and without going into the merits of the case, the writ application is disposed of with a direction to the petitioner to file a detailed representation before the District Land Acquisition Officer, Rohtas, for redressal of his grievance as raised in the instant writ application based on the judgement dated 17-7-2023 in CWJC No. 5750 of 2019 on or before 1-9-2025, in the event if any application is filed by the petitioner on or before 1-9-2025 in that event the District Land Acquisition



Officer shall consider and pass a reasoned order in accordance with law after considering the judgement dated 17-7-2023 in CWJC No. 5750 of 2019 and other analogous cases, in the event if it is found that the case of the petitioner is covered by the aforesaid judgement, in that event the subsequent award dated 30-7-2018 shall be recalled, but if it is found that the case of the petitioner is not covered by the aforesaid judgement dated 17-7-2023 in CWJC No. 5750 of 2019 and other analogous cases, in that event the District Land Acquisition Officer shall pass a reasoned order within a period of two months from the date of filing of the representation.

12. It is made clear that if no representation is filed on or before 1-9-2025, in that event the District Land Acquisition Officer, Rohtas, shall not be obliged to adhere to the time frame of disposing the representation as recorded herein above.

(Satyavrat Verma, J)

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