

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10332 of 2021

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Ganeshi Devi @ Mosmat Ganeshi, W/o Late Heera Verma, Resident of Verma Nagar, Ward No. -45, Katihar, Bihar- 854105.

... .. Petitioner/s

Versus

1. The Union of India Patna, through the Secretary, Government of India.
2. The National High Way through the Director N.H.-I, Govt. of India.
3. The Project Director National High Way, Purnea.
4. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
5. The Principal Secretary, Revenue Land Reforms Department, Old Secretariat, Patna, Bihar.
6. The Commissioner Purnea, Bihar.
7. The District Magistrate Katihar, Bihar.
8. The District Land acquisition Officer Katihar, Bihar.
9. The District Sub- Registrar, District Registration Officer, Katihar.
10. The Circle Officer Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumod Kumar Shrivastaw, Adv.
for the NHAI	:	Mr. Gaurav Govinda, Adv.
		Mr. Preety Ranjan, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 04-09-2025

I.A. No. 1 of 2025

The instant application has been filed under Order XXII Rule 3 of the Code of Civil Procedure for substitution of the legal heirs of the deceased petitioner. The details of the legal heirs are mentioned in paragraph no. 1 of this application.

2. There is no opposition on behalf of the respondents to the petitioner's petition.

3. Considering the averments made in this application,



the delay having occurred on the part of the legal representatives of the deceased petitioner in making the prayer for substitution in place of the deceased petitioner is hereby condoned and their prayer is allowed.

4. Let the legal heirs, namely, Bharat Verma and Rajendra Verma, of deceased petitioner be substituted in place of the petitioner in course of the day by the learned counsel appearing for the applicants (legal heirs of the deceased petitioner).

5. In the result, I.A No. 1 of 2025 stands allowed.

C.W.J.C. No. 10332 of 2021

6. Learned counsel appearing for the petitioner, learned counsel for the NHAI and learned counsel for the State have been heard on merit.

7. It is an admitted position that the petitioner's land detailed in the petition has been acquired and an award of Rs. 20,61,435.88/- was prepared and the same was paid to the petitioner by way of Annexure- 1 series, though, the petitioner accepted that award but he raised an objection by filing an application before the District Land Acquisition Officer, Katihar. As per petitioner's counsel, he has not got any information about the decision on his objection petition till



today. As the issue raised by the petitioner with regard to quantum of compensation is to be determined by the Arbitrator as per the provisions of Section 3G(5) of the National Highways Act, 1956, in view of the objection raised by the petitioner, so, considering this aspect, the District Land Acquisition Officer/Collector of Katihar is hereby directed to refer the petitioner's application (Annexure-3) to the Arbitrator for taking a decision on his application, if the same is still with him. The petitioner will also have a liberty to file a fresh application before the Arbitrator/ Divisional Commissioner, Purnea Division, to raise his grievance within four weeks from today. Upon filing the fresh application or upon forwarding the petitioner's earlier objection petition by the Collector/Land Acquisition Officer, the Arbitrator shall decide the petitioner's application at the earliest as per the provisions of law.

8. Accordingly, with above direction the instant petition stands disposed of.

9. The period of time spent by the petitioner in this case shall be excluded by the Arbitrator while computing the necessary limitation period.

(Shailendra Singh, J)

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