

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9419 of 2025

Md. Hasnain Son of Late Sheikh Siddique, Resident of Mohalla- Churamba
P.S.- Kotwali District- Munger.

... .. Petitioner/s

Versus

1. The Union of India through The Secretary Ministry of Road and Transport and Highways, New Delhi.
2. The Secretary, Ministry of Road Transport and Highways, New Delhi.
3. The National Highway Authorities of India, Through its Chairman, New Delhi.
4. The Chairman, National Highway Authorities of India, New Delhi.
5. The State of Bihar, through the Chief Secretary, Government of Bihar.
6. The Chief Secretary, Government of Bihar, Main Secretariat, Patna, Bihar.
7. The Divisional Commissioner, Munger.
8. The District Collector Cum the Competent Authority cum District Land Acquisition Officer, Munger.
9. The Deputy Collector Land Reforms, Sadar, Munger.
10. The District Land Acquisition Officer, Munger.
11. The Circle Officer, Munger.
12. The Executive Engineer NH 333B, Munger.
13. The Competent Authority, Land Acquisition and Rehabilitation Authority, Munger Circle, Munger.
14. Md. Sabbir, Son of Late Sheikh Siddique, Resident of Mohalla- churamba, P.S.- Kotwali District- Munger.
15. Bibi Rubeda Khatoon, Wife of Late Md. Islam, Resident of Mohalla- Mirzapur, Bardah, P.S.- Muffasil, District- Munger.
16. Bibi Mafuza, Wife of Md. Asgar Ansari, Resident of Mohalla- Murgichak, P.S.- Kotwali, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Sushmita Mishra, Advocate
For the State	:	Md. Shahid Siddiqui, AC to AAG-5
For NHAI	:	Dr. Maurya Vijay Chandra, Advocate
		Mr. Gaurav Govinda, Advocate
		Ms. Preety Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-06-2025 Heard Ms. Sushmita Mishra, learned counsel for the



petitioner and Mr. Gaurav Govinda representing the NHAI beside the State.

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

(i) for the issuance of a Rule in the nature of writ of Certiorari for quashing the order dated 15-12-2020 passed by Respondent No. 8, the competent authority cum District Land Acquisition Officer, (In short-D.L.A.O.), Munger in Case No. 22/2015-16 whereby and whereunder the compensation amounting to Rs. 15,61,705/- (Rupees Fifteen Lakhs, Sixty One Thousand, Seven Hundred and Five) has been awarded in favour of Respondent No. 14, Md. Sabbir against the land appertaining to an area with 4.299 decimals in Mauza Ward No. C, Street No. 23, Munger Municipal Corporation, Khesra No. 3717 acquired for the construction of



Ganga Rail cum Road Access Road, National Highway 333 B although aforesaid land is a joint family property and Title (Partition) Suit No. 154/2015 is pending in the Court of Sub Judge-1, Munger for the partition of aforesaid land along with other lands between the petitioner and Respondents Nos. 14 to 16;

(ii) for the issuance of a Rule in the nature of writ of Mandamus commanding Respondent No. 13 to admit and adjudicate the case of the petitioner which has been filed vide petition dated 01-02-2024 against the order dated 15-12-2020 passed by Respondent No. 8, the competent authority cum District Land Acquisition Officer; (in short-D.L.A.O.), Munger in the light of the order dated 11-01-2024 passed by the District Judge, Munger in Land



Acquisition Case No. 04/21 and even after due acceptance of aforesaid petition, since more than one year, it has not been numbered.

3. Though learned counsel for the petitioner submitted that she has a very good case and harped on the fact that the respondents have not taken note of the different factors before passing the order, learned counsel representing the NHAI submits that he has remedy before the competent Civil Court under section 3H(4) of the National Highways Act, 1956 (henceforth for short 'the 1956 Act').

4. The section 3H(4) of 'the 1956 Act' read as follows:

***3-H(4)** Deposit and payment of amount- If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil Court of original jurisdiction within the limits of whose*



jurisdiction the land is situated.

5. In that background, it would be appropriate that the petitioner approaches the competent civil Court for the redressal of his grievance. Any such petition which is filed within eight weeks, the Court concerned shall take into account that the petitioner was agitating the matter before the High Court while dealing with the limitation petition.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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