

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14264 of 2016

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Lila Devi wife of Bashist Chaudury resident of Village- Ghorghat, P.s.-
Bariyarpur, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Director, Land Acquisition, Govt. of Bihar, Patna.
4. The Commissioner cum Secretary, Public Works Department, NH Division, Bihar, Patna.
5. The Land Acquisition Officer, Bhagalpur.
6. The Superintending Engineer, P.W.D., National Highway Division, Bhagalpur.
7. The Executive Engineer, National Highway Division, P.W.D., Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr. Ashok Kr. Kesari, AAG-11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-08-2025 Heard Mr. Swapnil Kumar Singh, learned counsel
for the petitioner and learned counsel representing the State.

2. The present petition has been preferred for the grant
of following relief(s):

*“(i) for a direction to the respondent
authorities to pay the compensation for land and
house acquired for the construction of approach
road of the high level bridge situated at NH 80
which is situated on the both of Mauja no. 36 and
38 corresponding to the khata no. 14 and 13*



respectively but authority in arbitrary manner only prepare award of khesra no. 38 though the house of the petitioner was situated in both of the khesra.

(ii) to pay the adequate compensation at the rate of similar situated lands of other adjacent Mauja against the land to be taken by the respondents for construction of approaching road.

(iii) for a direction upon the respondents to pay the commercial rate of the land which is being acquired and not to pay the agricultural rate to the petitioners above lands and house situated just beside of N.H.80 and in most arbitrary manner rate of compensation fixed @ Rs.65,000/- though the rate of commercial fixed as per MVR Rs. 70,000/- per decimal as they have shop for livelihood and further rate may be fixed as per other direction held by the Hon'ble Apex Court of India time to time.

(iv) for a direction upon the respondents particularly the respondents No. 5 to



7 to get the matter settled amicable in terms of the law established and keeping in view of the welfare scheme sponsored by the State time to time for the benefit of the land losers.

further for any other appropriate relief or reliefs for which the petitioners is entitled in the facts and circumstances of this case.”

2. The claim of the petitioners is/are that they own piece of land in the two maujas 36 and 38 but the award was prepared only for the Khesra no. 38. Accordingly, the award amount was fixed as Rs.15,12,188/- which he acknowledges has been paid. The grievance is that regarding Khesra no. 36, they are taking stand that it is not in possession of the petitioners.

3. Learned State counsel on the other hand submits that the District Land Acquisition Officer, Munger passed an appropriate order and if aggrieved, the petitioner ought to have moved before the Arbitrator-cum-Divisional Commissioner, Munger Division, Munger for the redressal of the grievance.

4. The point submitted by the learned State counsel is worth consideration. Learned counsel for the petitioner submits that they shall be approaching the concerned arbitrator in next four weeks but there has been delay as they were agitating the



matter before this Court.

5. In that background, the writ petition stands disposed of allowing the petitioners to approach the Arbitrator-cum-Divisional Commissioner, Munger Division, Munger for the redressal of the grievance and if the same is filed in next four weeks, the concerned Arbitrator shall consider the limitation petition taking into account that the matter was pending for nine years before this Court and the same is to be taken to its logical conclusion on merit and be not rejected on the technical ground.

6. Since the matter is of a decade, it is expected that it will be taken to its logical conclusion by 31st March, 2026.

7. This order has been passed in the background of the fact that petitioner shall be filing the petition in next four weeks.

(Rajiv Roy, J)

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