

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2436 of 2017

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1. Laxmi Sah S/o Late Fakira Sah
 2. Bhola Sah S/o Late Fakira Sah
 3. Lakhan Sah S/o Late Fakira Sh All Resident of Village- Phulparas, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Collector, District- Madhubani.
3. The Sub-Divisional Officer, Phulparas, District- Madhubani.
4. The District Land Acquisition Officer, District- Madhubani.
5. The Circle Officer, Phulparas, District- Madhubani.
6. National Highway Authority of India through its Project Director, Darbhanga.
7. Divisional Commissioner-cum-Arbitrator, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Renu Kumari, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 25-11-2025 Learned counsel for the petitioners prays for and is allowed to implead the Arbitrator-cum-Divisional Commissioner, Darbhanga Division, Darbhanga in course of the day.

2. Heard Mrs. Renu Kumari, learned counsel for the petitioners and the State.

3. The present petition has been preferred for the following relief(s):

“(i) For issuance of appropriate



Writ/Writs, Order/Orders, Direction/Directions commanding the Respondents concerned to make payment to the Petitioners the compensation amount on commercial rate with interest till date for acquisition of their land pertaining to Khesra No.833/A and 834/A, area 21 Dhur out of total 25 Dhur against L.A. No. 279, 280 and 280A acquired for construction and strengthening of N.H. 57 at Mauza Phulparas, which has been paid to the Petitioners on residential rate in a very illegal way inspite of their protest and inspite of the admitted position that since long the said plots were with authoritative permission used in commercial activity i.e. there was saw mill, cinema hall, medicine shop, sweets shop etc.

(ii) For issuance of appropriate Writ/Writs, Order/Orders, Direction/Directions commanding the Respondents especially the Circle Officer, Phulparas to measure and demarcate the acquired and leftover land of the Petitioners clearly as illegally and arbitrarily notices are being sent to them for removal of illegal



encroachment from the said N.H. – 57.

(iii) For issuance of appropriate Writ/Writs, Order/Orders, Direction/Directions commanding the Respondents especially the Respondent No. 6 to return 1 Decimal of land of the Petitioners from Khesra No.833/A and 834/A, which till date has not been used for the purpose for which the same was acquired i.e. construction and strengthening of N.H. 57 and in that circumstances the petitioners are ready to return the compensation amount received by them for the said plot.

(iv) For any other relief/reliefs for which the petitioner is entitled under law.”

4. Learned counsel for the petitioners submit that payment has been made, received under protest showing the category of the land as residential whereas it should have been categorized as commercial.

5. The submission is that they shall be approaching the Arbitrator-cum-Divisional Commissioner, Darbhanga Division, Darbhanga for the redressal of the grievance under Section 3(G) 5 of the National Highways Act.



6. State has no objection to it.

7. In that background, the writ petition stands disposed of allowing the petitioner to approach the Arbitrator-cum-Divisional Commissioner, Darbhanga Division, Darbhanga (respondent no. 7) in next four weeks who shall be taking up the matter and passing an appropriate order at an earliest.

8. The petitioner shall be free to raise all the points before the concerned authority. If the petition is filed in next four weeks, the Authority shall look into the matter that the writ petition was pending before this Court for eight years while dealing with the limitation petition.

(Rajiv Roy, J)

Adnan/-

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