

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10886 of 2025

Shakuntala Devi, wife of Yogendra Prasad Thakur, resident of Village-
Khedarpura, P.O. - Daudnagar, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highway, New Delhi.
2. The National Highway Authority of India through its Director, New Delhi.
3. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
5. The Collector, Vaishali at Hajipur.
6. The District Land Acquisition Officer, Vaishali at Hajipur.
7. The Additional Collector, Vaishali at Hajipur.
8. The Circle Officer, Vaishali Sadar, District- Vaishali.
9. Shanti Devi, wife of Late Sitaram Singh, resident of Village- Bhagwanpur Rati, P.O.- Balukaram P.S.-Vaishali, District- Vaishali.
10. Pankaj Singh, resident of Village-Lauriya Sahebganj, P.O. and P.S. Sahebganj, District-Muzaffarpur.
11. Vasundhara Singh, wife of Late Rambabu Singh, resident of Village-Belwar, P.O.- Belwar, P.S.- Vaishali, District-Vaishali.
12. Meena Tripathi, wife of Laliteshwar Tripathi, resident of Village and P.O. Kaparpura, P.S. Kanti, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Karandeep Kumar
For the State	:	Mr.Zeeshan Kalim, A.C to S.C-20
For the Union of India	:	Dr. Iti Suman
		Mr. Ashish Ranjan
For the NHAI	:	Mr. Kumar Goutam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2025 In the instant petition, petitioner has prayed for the
following relief:-

*1. That the present writ
application is being filed for the following*



order/orders and relief/reliefs:

(i) For directing the respondents to make payment of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 & the Land Acquisition Act, 1894 by revising the rate of the land according to present nature of the land and the rate prescribed as per current market value against the land of petitioner appertaining to Mauza- Khijirpur (Khedarpura), Thana No. 66, Khata No. 139, Khesra No. 163, 172, 202, 203, 48, 49, 50, 52, 54, Khata No. 140, Khesra No. 3, 220, 4, 5 and Khata No. 156, Khesra No. 46 which has been acquired for purpose of construction of the National Highway-139W under the project of Bharatmala LOT-07 from Adalwari to Manikpur Khand (NH-139W) for National Highway Construction.

(ii) Also for commanding the respondent authority to make payment for damages which has been caused by the respondent authority by cutting standing crop and mango trees, lichi trees, banana tress etc. over the said land without issuing notice and giving opportunity of hearing which is mandated as per Section 12 and 13 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 & pursuant to the Land Acquisition Act, 1894.

(iii) Also, for directing the respondents to settle the Land Acquisition Case No. 08 of 2021-22 with respect to this petitioner on the ground that the land acquired is herself acquired property



through the registered deed of gift in the year 1998 and the same is free from all the encumbrances.

(iv) Also, for quashing a notice as contained in Notice No. 05 dated 31.01.2025 issued under the signature of the District Land Acquisition Officer, Vaishali whereby and where under upon objection made by private respondent No. 9 to 12 against Land Acquisition Case No. 8 of 2021-22, the petitioner was asked to furnish the required documents in support of her title over the acquired land in question under the Bharatmala Project for construction of National Highway Road (N.H. 139-W) from Adalwari to Manikpur.

(v) Also, for directing the respondent authorities to maintain the norms relating to greenery of the space from residential house in construction of the road under the aforesaid project as per relevant Rules and Regulations of National Highway.

(vi) And for grant any other relief(s) as per the facts and circumstances of this case.

2. Learned counsel submits that petitioner has received Notice No. 05 dated 31.01.2025 issued under the signature of the District Land Acquisition Officer, Vaishali and by the said notice petitioner was directed to furnish the required document in support of title over the acquired land in question under the Bharatmala Project for construction of National Highway Road (N.H. 139-W) from Adalwary to Manikpur. The private respondent no. 9 to 12 having no right, title and interest over the



land of the petitioner made objection before the Land Acquisition Officer on 10.10.2023 which has been entertained by the authority without verifying the documents which is available with the record of the Land Acquisition Case No. 8 of 2021-22 and sent the impugned notice vide Notice No. 05 dated 31.01.2025. Pursuant to the said notice, the petitioner two times appeared before the authority to show her documents regarding her title over the land in issue but the authority has not taken any action to decide the objection given by respondent nos. 9 to 12. Petitioner has only limited grievance to decide the objection made by the respondent nos. 9 to 12 with respect to the land of the petitioner. Learned counsel has submitted that all the required documents to be placed before land acquisition officer such as land possession certificate, land receipt, registered gift deed as well as passbook, which are annexed as annexure-P/2 series. In this way, petitioner has rightful ownership over the land in question and the private respondents no. 9 to 12 have no right, title and interest over the land of the petitioner. He further submits that petitioner has made several efforts to approach the concerned authority for submitting all the required documents, as stated in para 9 of the writ petition and she should be given opportunity to produce such documents so that the competent



authority will decide the objection as per statutory provision. He further submits that respondent nos. 9 to 12 have raised objection after the process initiated under the provision of Section 3 C and 3 D of NHAI Act, 1956 which is not entertainable.

3. Learned counsel on behalf of NHAI has submitted that under the statutory provision of 3 H (4), NHAI Act, 1956, it has been mentioned that if any dispute arises as to the apportionment of amount or any part thereof or any person to whom the same or any part thereof is payable the competent authority shall refer the dispute to decision of principle civil court of original jurisdiction within the limit of whose jurisdiction land is situated. In the present writ, there is a dispute between the two parties over the land in question and as per the statutory provision the dispute shall be referred to the principle civil court.

4. Learned counsel on behalf of State has conceded the contention advanced on behalf of NHAI.

5. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, it is evident that the objection on the behalf of respondent no. 9 to 12 is pending before respondent no. 6, District Land acquisition



Officer, Vaishali at Hajipur and same has not been decided uptill now. Accordingly, the respondent no. 6 is directed to dispose the objection within four weeks from the date of receipt of the order, as per provision of law, after giving due opportunity of hearing to the parties concerned without being prejudiced by the order passed by this Court.

6. The writ petition stands disposed of with the above observation/direction.

(Alok Kumar Pandey, J)

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