

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11154 of 2025**

Shankar Suman son of Shri Bhola Jha, resident of village Rahua, P.S.- Bheja,  
District Madhubani.

... .. Petitioner/s

Versus

1. Union of India through the Secretary Ministry of Road Transport and National Highway
2. National Highway Authority of India, through its Chief General Manager-cum- Regional Officer, D63 1st Floor, Shri Krihnapuri Path, Rajesh Kumar Path, Boring Road-800001
3. The Project Officer, NH 52 A, National Highway Authority of India, Madhubani
4. The State of Bihar, through the Divisional Commissioner Darbhanga
5. The Divisional Commissioner, Darbhanga
6. The Collector, Madhubani
7. The District Land Acquisition Officer, Madhubani
8. The Circle Officer Madhepur, District-Madhubani

... .. Respondent/s

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. Saroj Kumar, Adv.        |
| For the Respondent/s | : | Mr. Manoj Kumar (AC to GP-4) |
| For the NHAI         | : | Mr. Sanat Kumar Mishra, Adv. |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL JUDGMENT**

**Date : 17-07-2025**

2. In the instant petition, the petitioner has prayed for  
following relief(s):-

*“That this is an application for issuance of a writ in the nature of Mandamus or any appropriate writ order or direction commanding upon the Respondents to pay appropriate compensation to the petitioner for acquisition of his land evaluating it as residential land which has been wrongly evaluated as agricultural land and payment*



*has been made and further to pay interest at the rate of 12% per annum to the petitioner from the date of acquisition of the land in question till the date of actual payment.”*

2. Learned counsel for the petitioner submits that land appertaining to Khata No. 212(old)/142(New), Plot no.710(Old)/2272 (New) area 18 Dhur 10 Khurki, bounded as North-Ranju Devi, South-Rama Kant Jha, East-Arun Kumar Jha, West-Road situated at village-Rahua, Circle-Madhepura, Thana no. 288, P.S.-Bheja, District-Madhubani has been acquired for construction/widening of N.H. 527 A, belongs to the petitioner and the said land has been declared as agricultural land. The petitioner has only grievance that the land in question has been treated as agricultural land though it is very suitable for residential purpose as he has submitted his argument by mentioning paragraph nos. 10 and 11 of the writ petition. He has submitted that the land of the petitioner which is at Sl. No.675, Survey No.2272 has been shown as agricultural land but the adjacent land pertaining to Sl. No.674, Survey No.2271, area 0.0769 is treated as residential land as is evident from Annexure-P/4 at page 28 of the present writ petition. No reason has been assigned as to why the petitioner's land has been treated as agricultural land despite the fact that the adjacent land



has been shown as a residential land. He further submits that by passing the order with regard to the nature of land the quasi judicial authority must quote reason as it is observed by Hon'ble Supreme Court in catena of judgment but here pick and choose policy has been applied to reject the claim of the petitioner. He further submits that through Annexure-P/2 he has represented before the Land Acquisition Officer, Madhubani (respondent no.7), through Annexure-P/5 he has further represented before the Collector, Madhubani (respondent no.6) and through Annexure-P/6 he has also represented before the Divisional Commissioner, Darbhanga (respondent no.5) under Section 3G(5) of the National Highways Act, 1956 in Arbitration Case no.47/2021 but the case is still pending before the competent authority and the reason has not been shown as to why the case is pending before the competent authority who has the onerous responsibility to discharge his duty in a very effective and efficient way.

3. Learned counsel for the State as well as NHAI submits that the Arbitration Case No.47/2021 is pending before the Divisional Commissioner cum Arbitrator under Section 3G(5) of the National Highways Act, 1956 and if the petitioner pursues his case then the said case will be decided



expeditiously.

4. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the present petition is disposed of with direction that the Arbitration Case No.47/2021 which is pending before the arbitrator be decided after giving him due opportunity of hearing to the parties as per provision of law without being prejudiced by the order passed by this court expeditiously, preferably, within a period three months from the date of receipt of the order.

**(Alok Kumar Pandey, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | 17.07.2025 |
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