

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2001 of 2015**

Shambhu Sharan Singh Son of Late Mahima Sharan Singh Resident of Village - Unahchak, P.S. - Dhighwara, District - Saran at present reside 9/5, Kasturba Path, North Sri Krishna Puri, District - Patna.

... .. Petitioner/s

Versus

1. The National Highway Authority Of India
2. The Regional Director National Highway Authority of India, Bihar, Sri Krishnapuri, Patna.
3. The Project Director, National Highway Authority, Hajipur at Vaishali, Bihar.
4. The State of Bihar through the Principal Secretary cum Commissioner, Road Construction Department,
5. The Principal Secretary cum Commissioner, Department of Revenue and Land Reforms, Bihar, Patna.
6. The Director, Land Acquisition, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
7. The District Magistrate, Saran at Chapra.
8. The Competent Officer cum District Land Acquisition Officer, Saran at Chapra.
9. The Arbitrator-cum-Divisional Commissioner, Saran at Chapra

... .. Respondent/s

**Appearance :**

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|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. Bindhyachal Singh, Sr. Advocate |
|                      | : | Mr. Shambhu Sharan Singh, Advocate  |
| For the Respondent/s | : | Mr. Ajay Behari Sinha, GA-8         |
|                      | : | Mrs. Kalpana, AC to GA-8            |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      14-07-2025                      Learned Senior Counsel prays for and is allowed to implead the Arbitrator-cum-Divisional Commissioner, Saran at Chapra as respondent no.9 in course of the day.

2. Heard Mr. Bindhyachal Singh, learned Senior Counsel for the petitioner and Mrs. Kalpana representing the State.



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

*(i) For issuance of a writ in the nature of Mandamus directing the respondents authorities to make payment of compensation to the petitioner for the Land acquired pertaining to Mauza Unahchak, Khata No.- 104, Plot No.- 70, measuring an Area of 0.140 hector situated at village Unahchak, Saran, recorded in the name of petitioner's ancestor, for widening of National Highway and to rehabilitate the petitioner in terms of Bihar Land Acquisition and Rehabilitation Policy, 2007 as contained in Memo No.15/DLA/Policy (Rehabilitation) 07/06-395 dated 19.09.07, to earn his livelihood.*

*(ii) For issuance of a writ in the nature of mandamus directing the Respondent No. 8 to prepare/modify the award in terms of the Bihar Land Acquisition and Rehabilitation Policy, 2007 and Land Acquisition Act.*

*(iii) For issuance of a writ in the nature of mandamus directing the respondent authorities*



*to pay compensation to the Ousters in terms of the clarification issued by Respondent No.- 5 dated 23.05.07 whereby it has been clarified that even in cases where 80% of the compensation amount, in terms of the award, has not been paid and also to those cases where the land acquired has not been physically taken over would be covered by the Bihar Land Acquisition and Rehabilitation Policy, 2007.*

*(iv) For issuance of a writ in the nature of mandamus directing the respondents authorities to pay the compensation in full, for land acquired, and at the earliest, in view of the fact that land owners have been dispossessed of their land and have not been paid compensation in terms of Policy 2007.*

*(v) For modifying the award issued under the provisions of Land Acquisition Act, 1894 under the seal and signature of Respondent no. 8 whereby and where under the said respondent in exercise of its power vested u/s 3G of National Highways Act, 1956 has determined an arbitrary*



*and imaginary award of Rs. 3,49,079.64 against acquisition of petitioners ancestral Land without following the provisions and procedures prescribed in the said Act for construction of project N.H 19 Four Lane passing through village-Unahchak, District- Saran.*

*(vi) For consequently issuance of writ of mandamus directing the respondent no.8 to adhere to the provisions of section 3C of NH Act thereby inviting objections from the petitioners and then determine the amount of compensation and to bring necessary correction in the award as per the provisions of section 3G including referring the determination of award to a duly appointed arbitrator u/s 3G 95 of NH Act.*

*(vii) For issuance of appropriate writ(s) including writ in the nature of mandamus commanding the respondents to pay the petitioner after proper apportionment of his respective shares of compensation at the prevailing market value of the land along with damage value of the crops over the proposed*



*land to be acquired.*

*(viii) For grant any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.*

4. The matter relates to widening of the National Highway 19 in which land of the petitioner was also included and recorded as under: Mauza Unahchak, Khata No. 104, Plot No. 70 measuring an area of 0.140 hector situated at village Unahchak, Saran.

5. The post 2007 resolution, the matter went ahead and pursuant to the memo no. 395 dated 19.02.2007, steps were taken for the acquisition. From the record, it seems that the petitioner though received the compensation amount but was aggrieved by not only withholding of the amount but also the consideration for payment in terms of the new policy. The case is that the respondent refused to consider which led him to approach before this Court.

6. Learned Senior Counsel submits that the Authorities should have taken into consideration the grievance of the petitioner and further should have taken a decision which may have satisfied him but despite representing, the same cannot be disposed of.



7. Learned State counsel on the other hand has taken this Court to the counter affidavit and submits that a decision has been taken and if the petitioner was aggrieved could have approached the Arbitrator-cum-Divisional Commissioner, Saran at Chapra.

8. The notes of argument has been provided by the learned Senior Counsel and paragraph no. 1 to 3 read as follows:

*“1. The policy decision of the State Govt. of the year 2007 is in the nature of supplementing the provisions of the Land Acquisition Act, 1894 regarding payment of compensation inasmuch as the first and second proviso to section 11 (1) of the Land Acquisition Act, 1894 gives power to the State Govt. to issue directions in the matter of fixation of compensation.*

*2. When the State Govt. have laid down a procedure for fixation of compensation by adding 50% extra to the original value of land, the authority preparing the Award cannot ignore it at the time of preparation of Award as the policy of 2007 has got statutory force as it*



*has been issued by way of a guidelines to the concerned authorities for fixation of compensation.*

*3. Though the petitioner has accepted the compensation amount of Rs. 3,49,079.64 but it will not operate as estoppel against the petitioner because prior to accepting the amount, the petitioner had raised his protest vide his letter dated 21-07-2011 and secondly, it is not the final amount of Award, rather it is only 80% of the Award as apparent from the notice issued under section 12 (2) of the Land Acquisition Act, 1894.”*

9. This Court is of the view that when the forum is available where the petitioner can agitate the matter and the respondents have also taken the same stand, it would be appropriate that the same is considered and a reasoned order is passed by the Arbitrator-cum-Divisional Commissioner, Saran at Chapra, if proper petition is filed.

10. In that background, with the consent of the parties, the matter is referred to the Arbitrator-cum-Divisional Commissioner, Saran at Chapra for consideration and an order.



11. If the petitioner approaches the Arbitrator-cum-Divisional Commissioner, Saran at Chapra within four weeks alongwith all the relevant documents, the said respondent shall put all the relevant stakeholders on notice and after hearing them, the matter is to be taken to its logical conclusion by 31<sup>st</sup> December, 2025. It is made clear that since the matter was pending before this Court for ten years, the ground of limitation should not be taken to pass a cryptic order rather the matter has to be heard and taken to its logical conclusion.

12. The writ petition stands disposed of with the aforesaid observation.

**(Rajiv Roy, J)**

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