

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12516 of 2025

1. Arvind Ray son of Late Rudal Ray, resident of Village Yusufpur, P.S.- Lalganj, District- Vaishali.
2. Raghunath Rai, son of Late Rudal Ray, resident of Village Yusufpur, P.S.- Lalganj, District- Vaishali.
3. Anil Ray, son of Late Rudal Ray, resident of Village Yusufpur, P.S.- Lalganj, District- Vaishali, presently residing at Mohalla- Rameshwar Malia, 2nd By Lane V.T.C.- Haora, District- Howrah (West Bengal).
4. Priyanka Kumari, wife of Shri Arun Kumar Singh, resident of village Bakarpur, P.S. Sonapur, District- Saran.
5. Lalan Kumar, son of Rajendra Rajak, resident of village Bhikhanpura, P.S.- Desari, District- Vaishali.
6. Kanchan Kumari @ Kanchan Devi, wife of Aditya Prakash, resident of village Madhurapur, P.S.- Bidupur, District- Vaishali.
7. Pratibha Kumari, wife of Shri Subodh Kumar Yadav, resident of village Jetkauli, P.S.- Vaishali, District- Vaishali.
8. Amod Kumar, son of Brajnandan Roy, resident of village- Bilka, P.S.- Vaishali, District- Vaishali.
9. Santosh Kumar, son of Brajnandan Roy, resident of village- Rampur, P.S.- Lalganj, District- Vaishali.
10. Satyajit Shukla, son of Sidnath Shukla, resident of village- Khanjahachak, P.S.-Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Patna, Bihar.
2. The Chief Secretary, State of Bihar, Patna.
3. The Collector, Vaishali at Hajipur.
4. The Land Acquisition Officer, Vaishali at Hajipur.
5. The Executive Engineer, Vaishali Building Division, Hajipur.
6. The Project Director, Project Implementation Unit, Patna, N.H.A.I
7. The Project Director, Project Implementation Unit, Motihari, N.H.A.I.
8. The Circle Officer, Lalganj, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Alexander Ashok, Advocate
For the State	:	Mr. Sanjay Kumar, AC to G.P. 23
For the Respondent No. 6 and 7	:	Mr. Kumar Gautam, Advocate



CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 04-08-2025

Heard the parties.

2. In the instant petition, petitioners seek following relief(s):-

That this Writ application is directed to command the respondents for payment of amount against acquisition of commercial land whereupon commercial sum residential buildings have been constructed by the petitioners for construction of National High way, 139 W under Bharat mala Project at Adalwari-Mahikpur section, of Mauza Yusufpur, circle Lal Ganj, Vaishali.

3. Learned counsel for the petitioners submits that petitioner nos. 1, 2 and 3 are owners of land appertaining to khata No. 356, plot No. 554 and 559 situated at Mauja Yusufpur circle- Lalganj District- Vaishali out of which 0.02622 hectares of land have been acquired from plot No. 554 and 0.045729 hectares of land have been acquired from plot No. 559. Learned counsel further submits that the said petitioners have inherited the property as the aforesaid land is ancestral land and accordingly Jamabandi No. 1444 (Annexure P/2) has been created after partition amongst the family members and the plot No. 554 and 559 fell in share of petitioner nos. 1, 2 and 3 and got mutated the same which was



subsequently acquired. Learned counsel further submits that petitioner nos. 4, 5 and 6 are owners of part Plot No. 559 under Khata No. 356, Area- 12 decimal, Mauja- Yusufpur, P.S. Lalganj, District- Vaishali. He further submits that said petitioners have purchased the land in question from Shankar Ray through registered sale deed dated 26.07.2022 and got mutated the same vide Jamabandi No. 12 (Annexure P/3) and paid rent which was subsequently acquired. Learned counsel for the petitioners submits that petitioner No. 7 has purchased part of Plot No. 554 under Khata No. 356, area- 5.25 decimal from Pramod Ray through registered sale deed dated 31.08.2022 and got mutated in her favor vide Jamabandi No. 12 (Annexure P/4) and paid rent which was subsequently acquired. Learned counsel further submits that petitioner No. 8 has purchased part of plot No. 559 under khata No. 356 area 07 decimals vide registered sale deed No. 5821 dated 16.07.2022 and got mutated vide Jamabandi No. 12 (Annexure P/5) which was subsequently acquired. Learned counsel further submits that petitioner No. 9 has purchased part of plot No. 559 under Khata No. 356 area- 4 decimal situated at mauja- Yusufpur circle- Lalganj vide registered sale deed No. 5322 dated 16.07.2022 and got mutated the same vide Jamabandi No. Bhaag Vartman 12 (Annexure P/6) and paying rent but the said land of the petitioner No. 9 got acquired. Learned counsel further submits



that petitioner No. 10 purchased part of plot No. 559 under Khata No. 356 area 5 decimal through registered sale deed No. 5820 dated 16.07.2022 and got mutated the same vide Jamabandi number Bhaag Vartman- 12 (Annexure P/7) and paying rent but the said land was acquired. Learned counsel for the petitioners submits that petitioners have limited grievance that their lands have been compensated as agricultural land but they are praying to treat their lands in question which has been acquired by the NHAI to be residential land as petitioners have residential houses over their lands. He further submits that Executive Engineer, Building Construction Division, Hajipur as per requirement by District Land Acquisition Officer, submitted report about valuation of the houses of the petitioners situated over the lands in question (Annexure P/10) but valuation of the existing house have been denied by the respondent NHAI. He further submits petitioners have raised their limited grievance before the District Land Acquisition Officer, Vaishali and the Collector, Vaishali that lands of petitioners in question be treated as residential nature instead of agricultural nature but concerned authorities have not paid any heed to their grievances.

4. Learned counsel for the NHAI and the State submitted that if petitioners raise their grievance afresh with regard to the lands in question before the competent authority,



their grievance may be looked into. He further submits that if there is grievance regarding the nature of land with regard to the compensation, the same should be redressed under Section 3G (5) of the National Highway Act, 1956.

5. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the present writ petition stands disposed of with direction to petitioners to file fresh representation before the Divisional Commissioner-cum- Arbitrator under Section 3G(5) of the National Highway Act, 1956 within a period of four weeks from the date of receipt of this order. If the same is filed within the stipulated period, the concerned authority shall pass appropriate order within a reasonable period of time preferably within six months from the date of filing of their representation, as per the statutory provisions, without being prejudiced by the order passed by this Court.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.08.2025.
Transmission Date	N/A

