

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17290 of 2017

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Vijay Thakur Son of Bhagwandas Thakur, Resident of Village-Jasoiya, P.S. Muffasil, Aurangabad, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad.
3. The Arbitrator Cum the Additional Collector, Aurangabad.
4. The Director, Project N.H. Varanasi Zone Uttar Pradesh.
5. The District Land Acquisition Officer, Aurangabad
6. The L.R.D.O. Aurangabad.
7. The Circle Officer, Sadar, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-06-2025 Heard the parties.

2. The present petition has been preferred for the following relief/s:

(i) for quashing of an order dated 27.5.17 passed by Arbitrator cum Additional Collector, Aurangabad in L.A. No.342/2016-17 by which claim of the petitioner with regard to pay compensation amount of Land i.e. of Plot No. 902, Khata No. 10, Plot No. 902, Area 185 sq. feet treating it



commercial land, has been rejected;

(ii) for a direction to the respondent authority to pass a fresh order after considering the evidence and materials adduced by the petitioner and to pay the value of acquired land of the petitioner treating it commercial land with interest rate as per the law till the payment;

(iii) for any other order orders as on the facts and circumstances stated hereinafter of this case.

3. Though counter affidavit is of the year 2019 filed by respondent nos. 2, 3 and 5 is on record, learned counsel for the petitioner claims that the same has not been served upon him.

4. A perusal of the notice shows that the statement of the learned counsel for the petitioner is correct. In that background, he is entitled to Rs.1000/- to be paid by the office of the State counsel to be realized from the clerk who failed to provide the copy to the learned counsel for the petitioner and the receipt has to be filed in the office by Friday.



5. The order of the Arbitrator is very clear, an inspection of the area took place and it was found that there is no commercial activities or anything to show that the claim of the petitioner is justified. In that background, it was rejected.

6. Learned State Counsel submits that if aggrieved, the petitioner has remedy before appropriate Court and not Patna High Court.

7. At this stage, learned counsel for the petitioner submits that he will be approaching the competent Civil Court in eight weeks but he may have problem with the limitation due to delayed filing.

10. If the petitioner prefers petition within eight weeks, the competent court shall take into account that for eight years, the matter was pending before Patna High Court while deciding the limitation petition.

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

(Rajiv Roy, J)

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