

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12357 of 2025

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1. Shanti Devi Wife of Umesh Kumar, Resident of Village Hisua (Hisua Gaya Road), PO and PS Hisua, District Nawada.
 2. Rina Devi Wife of Mohan Kumar, Resident of Village Hisua (Hisua Gaya Road), PO and PS Hisua, District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Arbitrator-cum-Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Nawada.
4. The District Land Acquisition Officer, Nawada.
5. The Additional Collector, Nawada.
6. The Chief Manager (Tech.), Bihar State Road Development Corporation Limited (BSRDCL), Project Implementation Unit (PIU) Rajgir at Gaya.
7. The Additional Chief General (Tech.) Bihar State Road Development Corporation Limited (BSRDCL), Project Implementation Unit (PIU) Rajgir at Gaya.
8. The Sub Divisional Officer, Nawada.
9. The Circle Officer, Hisua (Nawada), District Nawada.
10. The Executive Officer, Nagar Parishad, Hisua, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv. Mr. Rajesh Kumar Verma, Adv
For the Respondent No. 6 and 7	:	Mr. P.K Shahi, Sr. Advocate Mr. Manish Dhari Singh, Advocate
For the State	:	Mr. Md. Nadim Seraj G.P-5

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2025 In the instant petition, petitioners have prayed for the following relief:-

That this is an application for issuance of appropriate writ/writs commanding the respondent authorities to make payment of compensation in lieu of the land



and structure acquired by the Four Lane Project of N.H. 82 Gaya-Hisua-Rajgir-Nalanda-Biharsharif Sections in compliance of the order dated 04.03.2022 passed by the Arbitrator-cum-Commissioner, Magadh Division, Gaya (Respondent No.2) and further directing the respondent authorities to compliance further huge loss suffered by the petitioners due to demolition of the structure over the land in question on threat giving time to remove all equipments fitted in the show room and or any other relief or reliefs for which the petitioners are entitled under the law.

2. Learned counsel for the petitioners has raised two issues through the prayer. Firstly, that by virtue of annexure-7, the award has been decided in favour of the petitioners, declaring that the land in question is a commercial land but the said award has not been given as yet. Upon query, learned counsel for the petitioners submitted that no execution proceeding has been initiated by the petitioners for enforcement of the award. Secondly, he submits that the structure over the land in question has been demolished and for this petitioners have represented his grievance before District Magistrate and District land Acquisition Officer, however, the said representation is still pending and has not been decided by the concerned authorities.



3. Learned counsel on behalf of the State has submitted that for the execution of the award which has been decided in favour of the petitioners, by virtue of order dated 04.03.2022, passed by Land Acquisition Officer, Nawada, petitioners have admitted that they have not approached any execution court for execution proceeding under Section 36 of the Arbitration and Conciliation Act, 1996 which clearly denotes that for execution of award, if the period of award has been expired, petitioners have to approach for execution proceeding in civil Court.

4. In the light of aforesaid facts and circumstances of the case, the writ petition stands disposed of with direction that petitioners are directed to file execution proceeding before competent forum as award has already been decided in their favour and they have not approached any appropriate forum for execution of the same.

5. So far as the grievance of the petitioners with regard to the structure over the land in question which has been demolished, petitioners will be at liberty to file representation afresh before the competent authority within a period of four weeks from the date of this order. If such representation is filed within the stipulated time, the concerned authorities will decide



the same in accordance with law, after hearing the parties concerned, without being prejudiced by the present order within a reasonable period of time.

(Alok Kumar Pandey, J)

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