

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13628 of 2025

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Mangaldeo Yadav S/o Ram Swarup Yadav, Resident of Village- Sisai, P.O-
Sisai, P.S.- Goriakothi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Land Reforms, Patna, Bihar.
2. The District Magistrate, Siwan.
3. The Land Acquisition Officer, Siwan.
4. The Competent Authority-cum-District Land Acquisition Officer, Siwan.
5. The Circle Officer, Goriyakothi, District- Siwan.
6. Regional Officer, National Highways Authority of India, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amarendra Kumar, Advocate
For the State	:	Mr. Pankaj Kumar, SC-12
		Mr. Kamlesh Kishore, AC to SC-12
For N.H.A.I.	:	Mr. Maurya Vijya Chandra, Advocate
		Mr. Gaurav Govinda, Advocate
		Ms. Preety Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 30-08-2025 The petitioner has filed the instant writ petition praying for issuance of a writ in the nature of *Mandamus* directing and commanding the respondent-authorities to pay 1/5th share of compensation amounting to Rs. 5,30,683.40/- (Rupees Five Lakhs Thirty Thousand Six Hundred Eighty Three and Forty paise) with interest in terms of the awards vide L.A. Case No. 21/2021-22.

2. It is not in dispute that a piece of lance measuring about 0.1325 acres, morefully described in survey Khesra No.-

1792, Khata-No. 1500, Thana No.-112 of Block-Goriyakothi in the Mauza of Sisai was acquired by the National Highway Authority under the provision of National Highway Act, 1956 for construction of Ramjanki Path Pariyojna. Subsequently, a notice dated 16th June, 2022 was issued under the signature of respondent no. 4 in the name of the petitioner under Section 3E of the said Act in L.A. Case No. 21/2021-22, stating, inter alia, that Award Nos. 43 and 44 have been passed fixing the compensation amount at Rs. 26,53,417/- (Rupees Twenty Six Lakhs Fifty Three Thousand Four Hundred Seventeen). It is further pleaded by the petitioner that the total area of Plot Nos. 1792 and 1793 are 25 decimal and 24 decimal respectively, total being 49 decimal, in which a part of land measuring about 0.2825 acres were acquired by the authority with a Panchat Nos. 43 and 44 in respect to two plots.

3. It is the case of the petitioner that he along with his four brothers purchased the land in question by a registered deed of sale in the year 1970 and had been possessing the said land along with his brothers by depositing rent receipt according to his share and *jamabandi* was prepared in his name.

4. It is contended by the petitioner that in spite of the petitioner's exclusive share in the property, the respondent-

authorities, mainly, respondent no. 4 is not releasing the share of the compensation amount in favour of the the petitioner.

5. The learned Advocate on behalf of the petitioner submits that the property in question was purchased in the year 1970 by five brothers out of said five brothers, four brothers received their compensation amount according to their share in the property. However, the petitioner did not pay his share because of the fact that one of his sons raised an objection regarding payment of the share in respect of the petitioner.

6. The learned Advocate on behalf of the National Highway Authority submits that since there is an objection with regard to payment of compensation, the said objection is required to be disposed of under the provision of Section 3H(4) of the National Highway Act, 1956. It is also submitted that there is a suit for partition between the petitioner and his son pending in the Court over the sales and property.

7. In reply thereto, the learned Advocate on behalf of the petitioner refers to a decision of this Court passed in **L.P.A. No. 270 of 2016, Surya Kuer vs The State of Bihar & Ors** reported in **2018(3) PLJR 201**. He, especially, refers to Paragraph 31 of the said reported decision, where it has been stated :-

“31. A person who did not raise any dispute at

the time of determination of the amount when a notice was published inviting all interested persons to state the nature of their respective interest on such land cannot be permitted to raise an objection at a belated stage, that too when we have noticed the evidences supporting the case of the appellant. If the respondent no.6 did not appear and raise an issue at that stage, he cannot be taken to mean “any person to whom the same or any part thereof is payable” as envisaged under sub-section (4) of [Section 3-H](#) of the Act.”

8. In reply thereto, the learned Advocate on behalf of the National Highway Authority refers to a decision of the Hon’ble Supreme Court in the case of **Vinod Kumar & Ors. vs. District Magistrate, Mau & Ors.** reported in **2023 19 SCC 126**. The factual aspect of the said report shows that the competent authority i.e. the Special Land Acquisition Officer published the award on 28th November, 2016 passed under Section 3G of the 1956 Act determining the compensation to be paid of the land owners for the acquired land. The respondents raised objection regarding to apportionment of compensation on 11th December, 2019, that is after the award having been declared.

9. Under such factual background, the Hon’ble Supreme Court in paragraph 36 held as hereunder :-

“36. Our final conclusion is as under: If

any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, then, the competent authority shall refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated. The competent authority possesses certain powers of the Civil Court, but in the event of a dispute of the above nature, the summary power, vesting in the competent authority of rendering an opinion in terms of sub-section (3) of [Section 3H](#), will not serve the purpose. The dispute being of the nature triable by the Civil Court that the law steps in to provide for that to be referred to the decision of the Principal Civil Court of original jurisdiction. The dispute regarding apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, would then have to be decided by that Court.”

10. In the instant case, it is not in dispute that the son of the petitioner has raised objection regarding apportionment of compensation amount payable to the petitioner after the award was published. Therefore, relying on the decision of the Hon’ble Supreme Court in the case of **Vinod Kumar & Ors. vs. District**

Magistrate, Mau & Ors., this Court has no other alternative but to direct the competent authority to refer the matter to the competent Civil Court for consideration and final decision, if not done already.

11. This Court while exercising writ jurisdiction cannot pass any order as to the rights of the parties for apportionment of land, especially when the person who has raised objection has not been impleaded as a respondent in the instant writ petition.

12. Therefore, I do not find any ground to entertain the instant writ petition.

13. The application is accordingly dismissed.

14. If the matter is referred to the Civil Court, the Principal Judge of the Civil Court is directed to dispose of the matter as early as possible and preferably within six months from the date of receipt of the case record and communication of the order.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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