

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13767 of 2025

1. Bijay Kumar Singh, Son of Late Ramnaumi Singh, Resident of village, P.O. and P.S. Vaishali, District Vaishali at Hajipur.
2. Satyender Madhukar, Son of Late Brahamdev Prasad Singh, Resident of village, P.O. and P.S. Vaishali District Vaishali at Hajipur, presently residing at House No.161, Gali No.-7, Shanti Kunj, Part-2, Near K.I.I.T. College, Bhonds, Gurgaon, District- Gurgaon (Haryana).
3. Sanjeev Kumar Singh, Son of Late Nawal Kishore Singh, Resident of village, P.O. and P.S. Vaishali, District- Vaishali at Hajipur.
4. Niti Singh, Wife of Late Om Prakash Singh, Resident of village, P.O. and P.S. Vaishali District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Vaishali at Hajipur, District - Vaishali at Hajipur.
4. The District Land Acquisition Officer, Vaishali at Hajipur, District - Vaishali at Hajipur.
5. The Sub- Divisional Officer, Hajipur, District - Vaishali at Hajipur.
6. The Circle Officer, Vaishali, District - Vaishali at Hajipur.
7. The National Highway Authority of India, through the Project Director, Project Implementation Unit, Shivpuram Colony, Near Hanuman Mandir, Sainik Colony Road, Gola Road Danapur, Patna.
8. The Project Director, The National Highway Authority of India, Implementation Unit, Shivpuram Colony, Near Hanuman Mandir, Sainik Colony Road, Gola Road, Danapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mangalam, Adv. Mr. Awnish Kumar, Adv.
For the State	:	Mr. Anant Pd. Singh, SC-15 Mrs. Deepika Sharma, AC to SC-15
For the NHAI	:	Ms. Dr. Iti Suman, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2025 The instant application has been filed by the

petitioners under Article 226 of the Constitution of India



seeking the following reliefs : -

“ (i) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent no.3 to refer the matter to the authority constituted under Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 2013 Act) for determination of petitioners' objection with regard to the amount of compensation for which they are entitled under the provisions of 2013 Act for their raiyati land which has been acquired for construction of NH-139W under Bharat Mala Project Lot-07.

(ii) For a declaration that if immediately after publication of Land Acquisition Notice in the News Paper on 12.08.2021, the petitioners had filed their objection on 21.08.2021 regarding nature of their land mentioned in the notice, before proceeding any further in the matter it was incumbent upon the Respondents first to consider and decide the objections being raised by the petitioners regarding the nature of their acquired land which would have been relevant for determination of amount of compensation for which the petitioners are legally entitled.

(iii) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities for payment of revised compensation of petitioners' land which the Respondents have acquired for the purposes of construction of NH-139W under Bharat Mala Project, Lot-07, Adalwari - Manikpur Khand treating the nature of their land as commercial land or at



least developing land since the acquired land of the petitioners is situated at Lalganj -Manikpur Main Road and it was being used by the petitioners as their cattle home since long.

(iv) For issuance any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.”

2. Mr. Mangalam, learned counsel for the petitioners submits that the petitioners' lands were acquired by the National Highway Authority of India (in short 'NHAI') under 'Bharatmala Project, LOT-7' and while fixing the compensation of the petitioners' land, the nature of their land was taken into account mainly considering the Revisional Survey conducted in the year 1962, which was published several years ago and thereafter, the nature of the petitioners' land has changed and at the time of awarding compensation, the same was in the nature of dwelling house of the petitioners and in this regard, they had filed their objection, which was not considered. Though the petitioners accepted the awarded amount but the same with objection. However, the petitioners are ready to get their issue decided by the Arbitrator (Commissioner, Muzaffarpur) who has been appointed by the Central Government and this liberty has already been granted to the petitioners by the concerned authority while rejecting their objection.



3. Ms. Dr. Iti Suman, learned counsel appearing for the National Highway Authority of India (NHAI), has no objection to the aforesaid prayer, particularly with regard to referring the petitioners’ matter to the aforesaid arbitrator.

4. Having considered the aforesaid submissions and prayer, the instant petition stands disposed of, with a liberty given to the petitioners to file their representation before the aforesaid arbitrator appointed by the Central Government. If they avail the said liberty within four weeks then the learned arbitrator shall decide their prayer expeditiously within eight weeks on merit after giving sufficient opportunity to all the concerned parties.

(Shailendra Singh, J)

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