

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14469 of 2025

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1. Kalveer Ray Son of Late Khiju Ray, Resident of Village- Vaishali, Ward No.3, P.O. and P.S. Vaishali, District- Vaishali at Hajipur.
 2. Sita Devi, Wife of Late Kailash Ray, Resident of Village- Vaishali, Ward No.3, 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, Project Implementation Unit, Shivpuram Colony, Near Hanuman Mandir, Sainik Colony Road, Gola Road, Danapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.S.B.K. Mangalam, Advocate
For the Respondent/s	:	Mr.Standing Counsel (4)
For NHAI	:	Mr. Sriram Krishna, Advocate
		Mr. Shashank Shekhar Kunwar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2025 Heard Mr. S.B.K. Mangalam, learned counsel for the

petitioners and the State.

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

(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 N11-139W under Bharat Mala Project Lot-07;

(ii) for a declaration that if in view of the objection filed by the grand son of the petitioner no.1 regarding the nature of petitioners' land acquired for widening of NH-139W an enquiry was conducted in which it was found that the acquired land is being used by the petitioners for residential purposes and, therefore, the cost of structure



existing on the acquired land was assessed by the competent authority of the Building Construction Department and thereafter the cost of structure/house existing on the acquired land was assessed and the amount was released for payment of compensation to the petitioners, the Respondents are obliged for re-fixation of the value of petitioners' acquired land which was decided on the basis of nature of the land mentioned in Revisional Survey Khatiyan prepared some time in 1962 and pay compensation to the petitioners accordingly;

(iii) for a further declaration that if in pursuance of the notice dated 24.04.2025 issued by the Respondent National Highway Authority of India, the petitioners had vacated their premises, which was demolished thereafter for construction of road, the Respondents are obliged to pay compensation to the petitioners for their land acquired and the structure demolished



at the earliest in order of facilitate the petitioners' rehabilitation and construction of their houses for the purposes of their living;

(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.

3. Learned counsel for the petitioners submit that for the purpose of construction of National Highway NH-139W under Bharat Mala Project, public notices were issued in the year 2021 which includes the petitioners' land. However, the notice shows their land to be 'Bhith'.

4. The grievance is that after 1962, the construction of Hajipur-Manikpur State Highway, the nature of land has completely changed.

5. The respondents on the other hand submit that decision has been taken, natural recourse for the petitioners is/are to approach the Arbitrator cum Divisional Commissioner, Tirhut Division, Muzaffarpur (respondent no.2)

6. In that background, the writ petition is disposed of



allowing the petitioners to approach the concerned authority, respondent no.2 in next four weeks who shall after taking up the matter and hearing all the parties come to a conclusion preferably by 31.03.2026.

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

(Rajiv Roy, J)

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