

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14588 of 2025

1. Sikandar Ray Son of Ramchandra Ray, Resident of Village- Vaishali, Ward No.3, P.O. and P.S. Vaishali, District- Vaishali at Hajipur.
2. Lakhendra Ray @ Lariwandra, Son of Ramchandra Ray, Resident of Village- Vaishali, Ward No.3, P.O. and P.S. Vaishali, District- Vaishali at Hajipur.
3. Harendra Ray, Son of Late Ramchandra Ray, Resident of Village- Vaishali, Ward No.3, P.O. and P.S. Vaishali, District- Vaishali at Hajipur.
4. Phul Kumari Devi, Wife of Sri Harendra Rai, Resident of Village- Vaishali, Ward No.3, P.O. and P.S. Vaishali, District- Vaishali at Hajipur.
5. Kalavati Devi, Wife of Lakhendra Ray, Resident of Village- Vaishali, Ward No.3, P.O. and P.S. Vaishali, District- Vaishali at Hajipur.
6. Tetri Devi, Wife of Sahindra 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. Manglam, Adv. Mr. Awnish Kumar, Adv. Mr. Kumar Gaurav, Adv. Mr. Vikash Kumar, Adv. Mr. Rishi Raj, Adv.
For the State	:	Mr. Madan Mohan, AC to SC-05
For the NHAI	:	Mr. Maurya Vijay Chandra, Adv. Mr Aarav Raj, Adv.



CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-09-2025 The instant application has been filed by the petitioners under Article 226 of the Constitution of India seeking the following reliefs : -

“ 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.

11) For a declaration that if in view of the objection filed by the petitioners 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.”

2. Mr. Mangalam, learned counsel for the petitioners submits that the petitioners' lands have been 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 has been 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 fixing compensation, their lands were in the nature of dwelling house of the petitioners and in



this regard, they filed their objection, which was not considered. Though the petitioners have accepted the awarded compensation amount but the same with objection, however, the petitioners are now 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. Mr. Maurya Vijay Chandra, learned counsel appearing for the National Highway Authority of India (NHAI), has no opposition 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 an application mentioning their grievance 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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