

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.922 of 2024**  
**In**  
**Civil Writ Jurisdiction Case No.8897 of 2021**

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1. Akhouri Arun Kumar Singh S/o Late Akhouri Madan Mohan Singh, R/o Village and P.O. Churamanpur, P.S.-Buxar Industrial, District Buxar, Bihar, presently residing at Nandan Homes Apartment, A-32, Khajpura, Bailey Road, P.S.-Shashtri Nagar, District-Patna.
  2. Akhouri Ashok Kumar Singh, S/o Late Akhouri Madan Mohan Singh, R/o Village and P.O. Churamanpur, P.S.-Buxar Industrial, District Buxar, Bihar, presently residing at Nandan Homes Apartment, A-32, Khajpura, Bailey Road, P.S.-Shashtri Nagar, District-Patna.

... .. Appellant/s

Versus

1. The Union of India through the Managing Director, National Highway Authority of India, New Delhi.
2. The Project Director, NHAI (NH-84) Maqbool Alam Road, Varanasi.
3. The Regional Manager, NHAI D-63, 1st Floor, Rajesh Kumar Path, S.K. Puri, Boring Road, Patna-1.
4. The State of Bihar through the District Magistrate, Buxar.
5. The Competent Authority-cum-DCLR, Buxar.
6. The Circle Officer, Buxar.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s | : | Mr. Sanjay Singh, Sr. Advocate<br>Mr. Nikhil Kr. Agrawal, Advocate<br>Ms. Aditi Hansaria, Advocate |
| For the State       | : | Mr. Annu Kumar Bhagat, AC to AAG-12                                                                |
| For the NHAI        | : | Mr. Kumar Goutam, Advocate<br>Ms. Priyanshu Kumari, Advocate                                       |

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**and**  
**HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)**

6      28-11-2025                      This is a Letters Patent Appeal filed against the  
  
judgment passed in C.W.J.C. No. 8897 of 2021 dated 5<sup>th</sup> August,  
  
2024.



2. We are inclined to record, at the outset, that the learned Single Judge dismissed the writ petition on the ground of non-joinder of necessary party.

3. According to the learned Single Judge, it is the competent authority-cum-District Land Acquisition Officer (DLAO), Buxar, who is one of the necessary parties in the writ petition but the appellants arrayed the Competent Authority-cum-DCLR, Buxar as respondent no. 5.

4. So was the order of dismissal of the writ petition.

5. We have heard Mr. Sanjay Singh, learned Senior Counsel on behalf of the appellants, Mr. Annu Kumar Bhagat, learned Advocate on behalf of the State-respondents and Mr. Kumar Goutam, learned Advocate appearing on behalf of the Regional Officer, National Highway Authority of India (NHAI).

6. It is submitted on behalf of the appellants that the writ petition was disposed of absolutely on technical ground without considering the merit raised by the appellants. Practically, the term DCLR was wrongly recorded in the array of respondent no. 5 in place of DLAO and the Trial Court ought to have permitted the appellants to amend the Cause Title of the writ petition. In that event, the factual aspect involved in the instant writ petition could have been decided on merit.



7. It is further submitted by the Mr. Sanjay Singh, learned Senior Counsel on behalf of the appellants that initially the acquired land was treated by a Six-Men Committee as commercial land and at the time of Geo-maping, the land in question was treated as residential and compensation was paid, accordingly, to the appellants. Subsequently, on the objection raised by NHAI, the matter was reviewed by another Six-Men Committee and they declared the land as agricultural land. It is needless to say that compensation amount is fixed on the nature of the land. On subsequent finding of the nature of land as agricultural land, the appellants were directed to repay a sum of Rs. 10,99,494/- (Rupees Ten Lakhs Ninety Nine Thousand Four Hundred & Ninety Four) to the respondent no. 2.

8. It is further submitted by the learned Senior Counsel on behalf of the appellants that this issue can be very well decided by the Writ Court, if the amendment in the Cause Title was allowed.

9. At the same time, we are not oblivious to note that no formal application for amendment was filed by the appellants.

10. It is also contended on behalf of the appellants that on the very first date, the writ petition was disposed of that



cannot be a ground because of the fact that when the writ petition was moved, it must be within the knowledge of the writ petitioners about misrepresentation of respondent no. 5, so he could have prayed for amendment of Cause Title of the writ petition when the matter was taken up. However, there are series of factual aspects involved including financial relief by way of compensation entitled by the appellants. If the appellants have objection with regard to amount of compensation, it is not only violation of their right contained in the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 but also the violation of basic fundamental right.

11. Therefore, we are of the view that the instant appeal should be remanded back to the Writ Court for fresh decision after permitting the appellants to describe the respondent no. 5, inserting the words DLAO.

12. The Writ Court shall also consider the following issues:-

(i) Whether the land in question ought to be treated as agricultural land or commercial land?

(ii) Whether constitution of second Six-Men Committee is legal, valid and proper under the law?



(iii) Whether the adjudication dated 07.09.2020 is legal valid and liable to be obeyed and carry forward by both the parties, including all questions raised in the writ petition?

(iv) Whether the nature of land was settled on examination of the vicinity of the land in question?

(v) Whether the matter in dispute could have been settled in arbitration by and between the parties?

13. In view of the above order, the judgment and order dated 5<sup>th</sup> August, 2024 passed in C.W.J.C. No. 8897 of 2021 is set aside and the appeal is allowed.

14. The writ petition be restored.

15. The instant appeal is, accordingly, disposed of.

16. The record of the Writ Court be returned along with a copy of this order.

**(Bibek Chaudhuri, J.)**

**( Dr. Anshuman, J.)**

Jyoti Kumari/-

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