

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15980 of 2022

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Bhukhan Yadav S/o Late Belash Yadav @ Ram Velas Yadav Resident of
Village- Raghunathpur, P.S.- Brahmpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate-cum-Collector, Buxar.
3. The Additional Collector, Buxar.
4. The Land Acquisition Officer, Buxar.
5. The Project Director, National Highways Authority of India, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pradhan Murli Manohar Pd., Adv Mr. Ashasih, Adv Mr. Raj Kumar. Adv
For the State	:	Mr. Vivekanand Singh, A.C to G.P 18
For the NHAI	:	Dr. Maurya Vijay Chandra Mr. Gaurav Govinda Ms. Preety Ranjan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 04-07-2025

On 29.04.2025, the following detail order was passed:-

In the instant petition,

petitioner has prayed for the following

relief:-

(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the decision dated 29-02-2020 of six members committee headed by the District Magistrate, Buxar whereby and where under after local inspection land of the petitioner appertaining to Khesara NO 186 has been classified as agricultural in place of Residential in nature contrary to the entry made in revisional survey Khatiyan in which mentions nature of land is



Residential.

(ii) To direct the respondents to make the payment of adequate compensation to the petitioner whose land appertaining to Thana NO. 240, Khesara N. 186 area 8 decimal, Khata NO. 869 situated in mauza Mahrajganj within Brahmpur P.S., District-Buxar acquired for the purpose of widening of Road under National Highway NO. 84 considering the nature of land residential house.

(iii) To direct the respondents to make the payment of adequate compensation to the petitioner considering the nature of land residential in terms of section 26 of the Right to fair compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act.

(iv) To make the payment of penal interest to the petitioner with respect to compensation of acquired land on the ground of delay and laches on the part of respondents.

(v) For To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.

2. Learned counsel for the respondent has submitted that petitioner has prayed for the relief that land in question appertaining to Khata No. 69, Khesara No. 186, Thana No. 240 situated at mauza Maharajganj, P.S within Brahmpur, P.S District-Buxar be treated as residential land instead of agricultural land. For determination of nature of land, the petitioner has approached this Court which is not maintainable.

3. Re-list this matter on 06.05.2025.

2. Learned counsel for the petitioner submits that petitioner has only dispute with regard to the nature of land.

3. Learned counsel for the respondent has submitted that for



the purpose of determination of nature of land, there is statutory provision under Section 3 G (5) of National Highway Act, 1956 and the matter should be referred to the Divisional Commissioner-cum-arbitrator.

4. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the present petition is disposed of with direction to the petitioner to approach before the Divisional Commissioner-cum-Arbitrator in terms of Section 3 G (5) of the National Highways Act, 1956 to raise his grievance within a period of four weeks from the date of receipt of this order. If the petitioner raises his grievance before the concerned forum/authority by filing representation within stipulated period, the concerned forum/authority shall pass appropriate order on the representation of the petitioner within a reasonable time from the date of filing of representation in accordance with law after giving due opportunity of hearing to the party concerned.

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2025
Transmission Date	NA

