

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5836 of 2017

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Gulab Chandra Jha and Anr

... .. Petitioner/s

Versus

The National Highway Authority Of India N H A I Through Its Chairman and
Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Adv.

For the Respondent/s : Mr. Manoj Kumar Yadav, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-11-2025 Heard Mr. Shashi Nath Jha, learned counsel for the

petitioner and the State.

2. The present application has been preferred for the
following relief(s):

*(i) Directing the Respondent-
authorities to pay the amount of
compensation to the petitioners as per the
enhanced Awards (Annx-4) determined by
them for which the petitioners are entitled to.*

*(ii) Directing the respondents
authorities to comply with the order &
direction dt. 18/11/2011 (Annx-2) passed by
the Resp.No.3 by which enhanced amount of
compensation has been ordered for payment
to the petitioners.*

*(iii) Directing the respondent no.4
(The Competent Officer Cum District Land
Acquisition Officer) to comply with the order*



& direction dt.18/11/2011 (Annx-2) in true letters and spirits as passed by the Resp.No.3 (the Learned Arbitrator) relating to the lands in question.

(iv) Holding and declaring that the Respondent-authorities are bound to pay the amount of compensation to the petitioners as determined by the Resp.No.3 vide Annx-2 hereto, and also calculated & assessed by the Resp. No.4 vide Annx-4 hereto with regard to the plots in question.

(v) Granting any other relief/reliefs for which the petitioners may be found entitled to.

3. The matter relates to the two plots which according to the petitioners belong to them, taken up in connection with the widening of the NH-57 pursuant to the notification no. 44 dated 18.02.2008.

4. The parties ultimately reached before the Court of Additional Collector, Madhubani in Appeal Case No. 76 of 2010-11 (Gulab Chandra Jha Vs. District Land Acquisition Officer, Madhubani and Anr.) which came to be disposed of on 18.11.2011 accepting the claim that the category of the land should be commercial (Annexure-2 to the petition).

5. This followed the communication by the office of the Additional Collector, Madhubani vide memo no. 262 dated



05.02.2011 to the District Land Acquisition Officer, Madhubani (Annexure-3 to the petition).

6. Subsequently, the charts were prepared for the payment of the amount for the aforesaid two plots to the petitioners herein (Annexure-4 to the petition).

7. As the payment was not made, the petitioner approached this Court in the present writ petition. A Co-ordinate Bench took up the matter on 07.09.2018 and directed the respondents to file counter affidavit.

8. We are in the year 2025, there is no reply from the respondents.

9. Learned State Counsel is also not in a position to inform whether any communication was made to the concerned respondents or not to know whether the said order of the Additional Collector, Madhubani has been challenged/any order passed.

10. Learned counsel for the petitioner is also not in a position to inform the present status of the case.

11. In that background, instead of imposing cost upon the State respondents and keeping the case pending for another couple of years, it would be appropriate that the writ petition is disposed of.



12. The petitioner is required to file a proper petition along with the copy of the order before the respondent no. 4, the District Land Acquisition Officer, Madhubani in next three weeks with all the supporting documents to show their bonafide claim for the lands in question.

13. If the said petition is filed in next three weeks, then the respondent no. 4 is required to do the needful as follows:

(i) if the payment has been made to the petitioners, no further step is to be taken;

(ii) if the payment has not been made, the reason has to be assigned by the District Land Acquisition Officer, Madhubani;

(iii) if no payment has been made and the same has been withheld without any reason and/or any case pending before any appropriate authority/Court, the same has to be released to the petitioners by 31st December, 2025;

(iv) if the petitioners are entitled to the amount and the payment is not cleared by 31st December, 2025, they shall be entitled to nine per cent interest from 01.01.2026 till the actual payment is made;

(v) if the respondents failed to



clear the amount despite no fault of the petitioners, till 31.03.2026, they shall be entitled to additional Rs. 10,000/- cost which is to be paid from the pocket of the Officer who failed to clear the amount.

14. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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