

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19173 of 2019

Akhilesh Pandey @ Akhilesh Kumar Pandey Son of Late Nawal Kishore Pandey, resident of Village- Rampur Milki, P.O.- Ganghar, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Rajmarg, New Delhi.
2. The Chairman National Highways Authority of India, New Delhi.
3. The Project Director, National Highways Authority of India, Project Implementation Unit Patna.
4. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
5. The Director, Land Acquisition Directorate, Govt. of Bihar, Patna.
6. The Commissioner, Patna Commissioner, Patna.
7. The District Collector, Bhojpur (Ara).
8. The Chairman of six men Committee through the District Collector, Bhojpur (Ara).
9. The District Land Acquisition Officer, Bhojpur (Ara).
10. The Additional District Collector, Bhojpur (Ara).
11. The Deputy Collector Land Reforms, Bhojpur (Ara).
12. The District Sub-Registrar Land Registration Office, Bhojpur, (Ara).
13. The Circle Officer, Ara Sadar, Bhojpur (Ara).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Maya Shankar Mishra, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, G.P. 14
For the NHAI	:	Mr. Saket Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 04-04-2025 The instant writ petition has been filed by the
petitioner for the following relief(s):-

I. For issuance of a writ in the nature of certiorari for quashing the order dated 25.04.2019/03.05.2019 passed Arbitrator-cum-Commissioner, by Patna Commissioner Patna in N.H. Arbitration case No.



123/2019 by which the claim of petitioner with regard to the changing of the nature of his acquired land as residential /commercial and accordingly for proper calculation of compensation of his acquired land has been rejected without considering the material available on the record of the case which order is highly illegal, arbitrary and without jurisdiction.

II. For a direction upon the respondents to change the nature of land of petitioner's acquired land bearing khata No. 26 khesara No. 362 measuring area 0.103824 acres as commercial / residential and accordingly to calculate the proper compensation as per the provisions of RFCTLARR Act-2013 as before 3A Gazette Notification dated 03.09.2009 for acquiring the aforesaid land of petitioner for construction of four lane NH 84 the rice mill was being run on the said land before the said notification and the respondents after verification found construction of rice mill upon the said land bearing construction No. 54 and notice under section 3E of NHI Act-1956 for compensation of construction upon the said land was issued in favour of petitioner showing the land as agricultural.

III. For issuance of a direction upon the respondents to pay the proper compensation for land of petitioner which was acquired by the respondents for construction of four lane NH 84 after changing the nature of land of petitioner as commercial/residential.

IV. For issuance of any other relief/reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

2. Learned counsel for the State submits that the petitioner has alternative remedy by filing appropriate application before the competent court.

3. Learned counsel for the petitioner submits that this



case may be disposed of with liberty to the petitioner to approach before the competent court for redressal of his grievance.

4. In view of the submissions of learned counsel for the parties, this writ petition is disposed of with liberty to the petitioner, as prayed for.

5. It is needless to say that this writ petition was filed on 13.09.2019 and is disposed of today due to *bona fide* mistake of the petitioner and the same fact shall be considered by the competent court while deciding the condonation of delay application to be filed by the petitioner within six weeks.

(Sunil Dutta Mishra, J)

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