

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17869 of 2022

=====

Dhanush Singh Yadav Son of Late Ram Dev Singh Yadav Resident of
Village-Jagdishpur, Police Station-Aurangabad, District-Aurangabad.

... .. Petitioner

Versus

1. The Union of India through its Director, National Highway Authority of India, New Delhi.
2. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Aurangabad, District-Aurangabad.
4. The Additional Collector, Aurangabad, District-Aurangabad.
5. The Competent Officer-Cum-Land Reforms Deputy Collector, Aurangabad, District-Aurangabad.
6. The Project Director, N.H.-2, Varanasi Zone, Varanasi, District-Varanasi (Uttar Pradesh).

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Santosh Chandra Bhaskar, Advocate
For the State	:	Mr. Viveka Nand Singh, AC to GP-8
For the NHAI	:	Mr. Sriram Krishna, Advocate
		Mr. Amarjeet, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 24-04-2025

In the instant petition, the petitioner has prayed
for the following relief:-

*(i) For issuance of writ in
the nature of mandamus commanding
and directing the respondent authorities
to give compensation amount as
residential land of the petitioner situated
at Mauza - Jasoea, Thana No. 264,*



Khata No. 26 (New 726), Khesra No. 998 (New Khesra No. 2572), Rakawa 222 Sq. ft., which has been acquired by the respondent National Highway Authority of India (hereinafter called NHAI) through the District authorities for the purpose of widening N.HH. 2 road.

(ii) For issuance of any other order / orders on the basis of facts and circumstances stated hereinafter of the case.

2. Learned counsel for the petitioner submits that land appertaining to Khata No. 26 (New Khata 726), Khesra No. 998 (New Khesra No. 2572), Mauza – Jasoea, Thana No. 264, Rakawa 222 sq. ft. belong to the petitioner. He further submits that petitioner and his sons purchased the land in question through registered sale deed dated 31.03.2009 (Annexure 1). He further submits that Respondent No. 5 - The Competent Officer-Cum-Land Reforms Deputy Collector, Aurangabad passed an order on 02.01.2016 in Land Acquisition Case No. 17(XXIII)/2009-10 and 17(XXIII) Structure / 2009-10 without hearing the petitioner and directed the petitioner to receive compensation amount as Rs. 3,24,619/- measuring as agriculture nature of land (Annexure 2). He further submits that petitioner has filed representation



before the Respondent No. 5 requesting to grant compensation as per the residential nature of land as the land in question is of residential nature (Annexure 4) but no action was taken, and thereafter, petitioner received the said amount of compensation with objection. Thereafter, petitioner has filed an application before Respondent No. 4 - the Arbitrator, Additional Collector, Aurangabad vide Registered Case No. 341 of 2016, which was rejected by order dated 27.05.2017 (Annexure 7). Hence, the present writ petition.

3. Learned counsel for the NHAI has submitted that petitioner has statutory remedy available under Section 34 of the Arbitration and Conciliation Act, 1996 to challenge the award before the Competent Court.

4. Learned counsel for the State has conceded the said submission.

5. Having considered the facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition is disposed of with liberty to the petitioner to file an appropriate miscellaneous case before the appropriate forum.

6. It is needless to mention that the period spent in pursuing the matter before this Court be considered



sympathetically while deciding the claim of the petitioner.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.04.2025.
Transmission Date	N/A

