

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17116 of 2023

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Birendra Kumar S/o Late Ram Narayan Ram R/o Village- D.M. Road, Ward
No-6, P.S- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Chief Secretary Patna
2. The Principal Secretary (Land Reform Department) Govt. of Bihar
3. The District Magistrate, Bhojpur, Ara.
4. The District Land Acquisition Office, Bhojpur.
5. The Circle Officer Jagdishpur, Bhojpur, Ara
6. The Project Director, Patna Office Unit, N.H.A- 1. Patna
7. The Coordinator, N.H.A-1, Patna Unit Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Yadav, Adv.
For the Respondent/s	:	Mr. Shailendra Kumar Dwivedi, AC to AAG-12
For the N.H.A.I.	:	Mr. Kumar Goutam, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-02-2025 1. Heard learned counsel for the petitioner, learned

AC to AAG-12 and the learned counsel appearing on behalf of

the N.H.A.I.

2. The learned counsel for the petitioner submits that

the land pertaining to Khata No.113, Khesra No.2487, 2488,

total area 16.75 decimal, Thana No.241, District-Bhojpur is his

raiyati land. It is further submitted that out of 16.75 decimal of

his raiyati his land, 10.46 decimal of land was acquired by the

N.H.A.I. for widening the N.H.-30. It is next submitted that the

said land was acquired without any notice to him nor the



notification published for acquiring the land was published in any newspaper. The learned counsel for the petitioner next submits that though his land was acquired but then he was not paid any compensation and solatium.

3. The learned State counsel submits that a counter affidavit has been filed on behalf of the respondent no.3 to 5, wherein it has been specifically pleaded at para-6 that petitioner had filed Demarcation Case No.28/2021-22 and the land in question was measured in presence of the petitioner and the representative of the N.H.A.I. by the Anchal Amin and it was found that service road is also on 0.0475 acres of land in question pertaining to Plot No.2487, in light of the same, the District Land Acquisition Officer, Bhojpur vide letter no.430 dated 08.06.2023 informed the Project Director, N.H.A.I., Patna , however in response, the Project Director, N.H.A.I., Patna vide letter no.837 dated 23.08.2023 had intimated that spot inspection has been carried out by the concerned M/s MSV International in presence of the contractor and it has been found that the service road has been constructed within the Right of Way.

4. The learned counsel for the petitioner submits that in the Demarcation Case, after measurement of the land by



Anchal Amin, it was found that 0.0475 acres of land in question pertaining to Plot No.2487 was used for the said construction but then the Project Director, N.H.A.I., Patna vide letter no.837 dated 23.08.2023 had intimated that inspection was carried out by the M/s MSV International in presence of the contractor. It is submitted that had the measurement been done in presence of the petitioner, the correct fact would have come to the fore, on which, the learned counsel appearing on behalf of the State and the N.H.A.I. submits that the writ application can be disposed of with a direction to the D.L.A.O., Bhojpur to get the land in dispute remeasured in presence of the petitioner, the officials of the N.H.A.I. and Executive Engineer, B.S.R.D.C.L. so that the truth comes out.

5. After hearing the learned counsel for the parties, the writ application is disposed of with liberty to the petitioner to file a fresh representation before the D.L.A.O., Bhojpur on or before 24.02.2025 for getting the land re-measured, in presence of the petitioner, the officials of the N.H.A.I. and Executive Engineer, B.S.R.D.C.L. In the event, if any representation is filed by the petitioner on or before 24.02.2025, in that event, the D.L.A.O., Bhojpur shall dispose of the same, in accordance with law, within a further period of two months.



6. The writ application is disposed of.

(Satyavrat Verma, J)

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