

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17207 of 2025

M/s Sharda Bricks Mauza - Nepa, P.O. - Fetehpur, P.S. - Panchanpur, Dist-Gayaji through its proprietor Sri Ramanuj Sharma, aged about 60 years, male S/o Sri Shiv Prasad Singh, resident of village-Chainpur, P.S.-Konch Dist.-Gayaji At Present residing at Mohalla- Deodharpur near Reliance Tower Tekari, P.S.- Tekari, Dist - Gayaji. Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The National Highways Authority of India (NHAI), through its Project Director. NH-119D Aamas-Darbhangha Four Lane Project.
3. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
4. Director of Land Acquisition, Government of Bihar, Patna
5. District Land Acquisition Officer, Gayaji.
6. District Magistrate-cum-Collector, Gayaji.
7. The Additional Collector, Gayaji.
8. The Circle Officer, Tekari, Gayaji.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the NHAI	:	Mr. Sriram Krishna, Adv
		Mr. Shashank Shekhar Kunwar, Adv.
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-11-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

- "(i) For issuance of an appropriate writ(s), order(s) or direction(s), restraining the respondents from demolishing or removing the petitioner's chimney or other structures on the said land without payment of due compensation.
- (ii) For issuance of an appropriate writ including a writ in



the nature of writ of mandamus commanding the respondents to assess and pay compensation for:

(a) the petitioner's leasehold interest in the acquired land, and

(b) the structures/chimney and allied installations constructed thereon, in accordance with the provisions of the LARR Act, 2013.

(iii) For issuance of an appropriate writ including a writ in the nature of writ of mandamus to commanding the respondent-authorities to consider the petitioner's representation and conduct a proper valuation of his assets and losses.

(iv) For issuance of an appropriate writ directing the competent authority to consider the petitioner's representation and pass a speaking order within a stipulated time frame.

(v) For issuance of any other order/orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case and in the interest of justice."

2. Mr. Ashok Kumar, learned counsel appearing for the petitioner, Mr. Sriram Krishna, learned counsel for the NHAI and Mr. Sarvesh Kumar Singh, learned counsel appearing for the State-respondents are present and they are heard.

3. The main issue raised by the petitioner is that the land pertaining to (a) Khata No. 174 (New), Plot No. 738 (New) and (b) Khata No. 110, (Old) Plot No. (526) (Old) situated in Village- Nepa, P.O. Fatehpur, P.S. Tekari, District- Gayaji, Bihar is being used by the petitioner in the capacity of lessee which has been acquired by the National Highways Authority without



granting any kind of compensation to the petitioner despite his claim coming within the purview of the "right of user" and the provisions of Section 3G(2) of the National Highways Act have not been taken into consideration by the concerned authority while deciding the compensation with regard to the said land and in this regard, the petitioner has filed applications before the Collector as well as District Land Acquisition Officer by way of Annexure- P/7 series.

4. This Court is of the view that the issue raised by the petitioner is premature for consideration under Article 226 of the Constitution of India as his aforesaid representations/applications are pending before the concerned authorities, namely, the District Magistrate-cum-Collector, Gayaji and the District Land Acquisition Officer, Gayaji, who are the competent authorities to look into the issue raised by the petitioner, hence, the instant writ petition is hereby disposed of with giving direction to the concerned authority to decide the petitioner's representations at the earliest preferably within six weeks from today, according to the provisions of law as well as on merits, after giving sufficient opportunity of hearing to the petitioner.

5. It is expected from the Collector and the District



Land Acquisition Officer to not take any coercive action against the petitioner with regard to his establishment present over land in question in the next four weeks during the pendency of his aforesaid representations.

(Shailendra Singh, J)

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