

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20350 of 2018

- 1.1. Shakti Dhar Rai son of Late Kamla Kunwar, resident of Village- Kuchhila, P.O. Kochas, District- Rohtas at present resident of Village and Post-Barahuti Kala, Police Station- Kochas, District- Rohtas.
- 1.2. Kundal Kishore Rai, son of Late Kamla Kunwar, resident of Village- Kuchhila, P.O. Kochas, District- Rohtas at present resident of Village and Post- Barahuti Kala, Police Station- Kochas, District- Rohtas.
- 1.3. Bipin Kumar Rai, son of Late Kamla Kunwar, resident of Village- Kuchhila, P.O. Kochas, District- Rohtas at present resident of Village and Post-Barahuti Kala, Police Station- Kochas, District- Rohtas.
- 1.4. Priti Rai daughter of Late Kamla Kunwar, resident of Village- Kuchhila, P.O. Kochas, District- Rohtas at present resident of Village and Post-Barahuti Kala, Police Station- Kochas, District- Rohtas.
- 1.5. Sadhana Rai, daughter of Late Kamla Kunwar, resident of Village- Kuchhila, P.O. Kochas, District- Rohtas at present resident of Village and Post- Barahuti Kala, Police Station- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Road Transport and National Highway, New Delhi.
2. The Secretary, Ministry of Road Transport and National Highway, New Delhi.
3. The State of Bihar through its Chief Secretary, Bihar, Patna.
4. The Deputy General Manager, Bihar State Road Development Corporation Ltd., Bailey Road, Shekhpura, Patna.
5. The District Magistrate, Rohtas, Sasaram.
6. The Competent Authority cum District Land Acquisition Officer, Rohtas, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey, Advocate
For the Respondent/s	:	Mr. Subodh Kr. Mishra, GP-14
For the UOI	:	Dr. Iti Suman, Advocate
For the NHAI	:	Mr. Kumar Gautam, Advocate
		Ms. Priyanshu Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 24-11-2025 Heard Mr. Surendra Kumar Chaubey, learned
counsel for the petitioner, Mr. Kumar Gautam representing the



National Highway Authority of India (for brevity 'the NHAI')
and Subodh Kumar Mishra, learned State counsel.

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

*“Issuance of a writ in the nature of writ
of certiorari quashing the order dated
13.07.2018 passed by the Competent Authority
cum Land Acquisition Officer, Rohtas, Sasaram
which was communicated vide letter no.323
dated 26.07.2018 (Respondent No. 5) contained
in Annexure-7 whereby and where under he has
been pleased to reject the representation dated
25.05.2018 regarding payment of compensation
amount of the petitioner's land of Mauja-Kochas,
Thana No.285, Khata No.752, Plot No.3077,
3345 pertaining to Chak Khata No.752 (Gh), plot
no.3077, 3345 area 0.4411 hectare and 0.0041
hectare respectively which had already been
acquired by the Central Government Official
Gazette dated 26.08.2013 for widening of the
N.H.30 Road from Mohania to Ara section by the
Ministry of Road Transport and national*



Highway, New Delhi.

ii) Issuance of a writ in the nature of writ of mandamus directing the respondent authorities i.e. respondent no.2 to pay the compensation amount to the petitioner pursuant to the petitioner's land acquisition by the respondent authorities vide Gazette notification dated 26.08.2013 for widening of N.H.30 Road of Mohania Ara section.

iii) Issuance of a writ in the nature of writ of mandamus commanding the respondents to prepare the Award in favour of petitioner in lieu of the acquisition of land bearing khata No.752, Chak Khata no.752 (Gha), Plot no. 3077 and 3345 area 0.4411 hectare and 0.0041 hectare.

iv) Issuance of any other writ(s) or order(s) or direction(s) which may be deemed fit and proper in the facts and circumstances of the case.”

3. The matter relates to widening of the National Highway – 30 (Ara Mohania Road-116.76 kilometers) and



the petitioners claim to own a land under Kochas Police station in the district of Rohtas.

4. Armed with an order passed in his favour in Rent Fixation Case No. 01 of 2014-15 relating to Jamabandi no. 48 of 77, the present claim is based. It is to be noted that the petitioner claims that Chakbandi Case No. 3380/74/76-77 was decided in their favour and from then on, they are owning the land.

5. The stand of the State is that plot no. 3077 and 3345 are the government lands and the inquiry team has also reported the same and as such, the petitioners are not entitled to the compensation. It has been further averred that the issue no. 293 dated 22.09.2014 has not been issued by the Chakbandi Officer, Kargahar and even the records of Chakbandi Case No. 3380/74/76-77 is/are unavailable in the office.

6. The paragraph further records that the Circle Officer, Kochas has sent the proposal for cancellation of Jamabandi vide letter no. 976 dated 12.12.2022. Upon query of the Court whether the petition has been preferred for cancellation of Jamabandi, no answer is there.

7. So far as 'the NHAI' is concerned, learned



counsel representing it has taken this Court to paragraph-9 of the counter-affidavit to show that the District Land Acquisition Officer, Rohtas was duty bound to follow section 3H (4) of the National Highways Act, 1956 (for brevity ‘the Act’) and should have referred the matter to the Court of Principal District Judge which has the authority to look into the dispute.

8. Section **3H (4) of ‘the Act’** read as follows:

“3H (4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

9. The facts in narrow compass is/are as follows:

“(i) the petitioner claims to be owner of the land 3077 and 3045 within the jurisdiction of Koachas in the district of Rohtas;

(ii) the claim is based on Chakbandi Case No. 3380/74/76-77 decided in their favour;

(iii) the claim of the State Government



is that it was a government land used by the local public, records of Chakbandi Case No. 3380/74/76-77 is/are not available in the office;

(iv) the Circle Officer, Kochas has been directed to take steps for cancellation of the jamabandi;

(v) once the notification dated 26th August, 2013 was issued by the Road Transport and Highway Ministry, Government of India, the District Land Acquisition Officer, Rohtas should have referred the matter to the Principal District Judge without even going in the merit of the case and/or passing any order.”

10. Since the further development relating to the case is/are unavailable either from the petitioner and/or from the State-respondents, it would be appropriate that the petitioner once again move before the District Land Acquisition Officer, Rohtas at Sasaram (respondent no. 6) who shall be duty bound to refer the matter to the competent Court under Section 3H(4) of ‘the Act’ for its adjudication.

11. The petitioner will have all the liberty/option to raise all the points before the concerned Court which shall



after noticing/hearing all the concerned parties, shall be passing an order at an earliest.

12. Needless to add, the order of the competent Court shall be binding on the parties and decide the fate of the land in question.

13. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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