

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.491 of 2025

=====

Pankaj Kumar Son of Late Rajendra Chaudhary, Resident of Village-
Ababakarpur Koahi, Police Station- Patepur, District- Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar.
2. The District Magistrate cum Collector, Vaishali, Bihar.
3. District Land Acquisition Officer, Vaishali, Bihar.
4. Project Manager, National Highway Authority of India, (NHAI), Patna, Bihar.
5. Most. Kailasiaa Devi, W/o Late Rajendra Chaudhary, Resident of Village-
Ababakarpur Koahi, Police Station- Patepur, District- Vaishali (Bihar).
6. Nivet Kumar, Son of Late Rajendra Chaudhary, Resident of Village -
Ababakarpur Koahi, Police Station- Patepur, District- Vaishali (Bihar).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar
For the Respondent/s	:	Mr. Raj Kishore Rai, GP-18
For NHAI	:	Mr. Kumar Goutam

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2025 1. Heard learned counsel for the petitioner, learned
GP-18, Mr. Raj Kishore Rai and the learned counsel appearing
on behalf of the NHAI.

2. The learned counsel appearing on behalf of the
petitioner submits that petitioner would be satisfied in the event
if the District Land Acquisition Officer (DLAO, Vaishali) is
directed to consider and decide the representation of the
petitioner dated 19.02.2022 (Annexure-3) within a time frame,
which is pending for consideration since 19.02.2022. It is next



submitted that land pertaining to *Khata* No. 196, 662, 455, 270, 837, 150, 455, 869 and 819, *Khesra* No. 933, 936, 937, 893, 905, 907, 908, 920, 923, 926, 1000, 1001 and 931 at Mouza Abawakpur, *Thana* No. 506, Anchal Patepur, District- Vaishali was acquired by the Ministry of Road Transport and Highways, Government of India in pursuance of a Notification dated 28.05.2021 (Annexure-1) published in the Gazette of India under Section 3A of the National Highways Act, 1956 for constructing Four-lane road of NH-119D under Bharat Mala Project.

3. The learned counsel appearing on behalf of the petitioner submits that petitioner is having dispute with respect to his ancestral property including the land in dispute with his brother and mother for which he has filed Title (Partition) Suit No. 148 of 2022 which is pending adjudication before the learned Civil Court, Hajipur. It is next submitted that petitioner, after filing of the Title (Partition) Suit No. 148 of 2022 represented before the District Land Acquisition Officer, Hajipur, Vaishali vide his Representation dated 19.02.2022 (Annexure-3) requesting him not to pay compensation with regard to the lands which have been acquired as they are subject matter of adjudication in Title (Partition) Suit No. 148 of 2022.



4. The learned counsel appearing on behalf of the petitioner next submits that lands which have been acquired are in the name of his mother, father and grandfather. It is also submitted that petitioner is seeking compensation with respect to the lands acquired which are in the name of his father and grandfather. It is next submitted that the land recorded in the name of his mother forms part of *Stridhan*, as such, the petitioner is not entitled to seek compensation with respect to the lands which are recorded in the name of his mother as the same form part of *Stridhan* and not of the coparcenary.

5. On query of the Court from the learned counsel appearing on behalf of the petitioner that when petitioner is aware that he cannot seek compensation with respect to the lands recorded in the name of his mother then as to why representation dated 19.02.2022 was filed before the DLAO requesting him not to make any payments of the land as the lands were subject matter of Title (Partition) Suit No. 148 of 2022, on which the learned counsel appearing on behalf of the petitioner submitted that under misconceived legal advice, it appears that the petitioner filed the aforesaid representation before the DLAO when the representation ought to have been filed only with respect to ancestral property of the petitioner



recorded in the name of his father and grandfather, at this stage, the learned counsel appearing on behalf of the State submits that if the learned counsel for the petitioner was aware that representation filed by the petitioner before the DLAO ought not to have been filed with the aforesaid request, whether, was it not prudent on part of the learned counsel appearing on behalf of the petitioner to advise the petitioner correctly, more so when he is aware of the law.

6. The learned counsel appearing on behalf of the State further submits that from perusal of Annexure P/5 at Page-63 to the writ application, it would manifest that even petitioner was awarded compensation with respect to the plot of land, as such, the petitioner cannot complain that he has not been given the amount of compensation which was due to him, on which the learned counsel appearing on behalf of the petitioner submits that no doubt compensation was awarded in the name of the petitioner, but then the entire amount was credited in the account of his mother and the mother is not parting with the amount of compensation which was received on behalf of the petitioner, on which the learned State counsel submits that it absolutely does not stand to reason that how such a submission is being made when the same has not been pleaded in the instant



writ application, further then why at the outset, a submission was made that the petitioner would be satisfied in the event if the Annexure-3 to the writ application is disposed of.

7. The learned State counsel next submits that had the writ application been disposed of with a direction to the DLAO to dispose of the representation of the petitioner dated 19.02.2022, considering that petitioner is only seeking disposal of his representation, in that event that may have caused travesty of justice as the DLAO in terms of the order of this Court may have referred the matter to the authority competent in terms of the act.

8. The learned State counsel further submits that Annexure-5 is of the year 2024 whereas the representation of the petitioner submitted before the DLAO is of the year 2022. It is further submitted that if the mother of the petitioner was not parting with the compensation received in her account in the name of the petitioner in that event the petitioner ought to have filed a representation before the DLAO bringing to his notice the said fact by filing a fresh representation so that action in accordance with law could have been initiated, but without doing so, the instant writ application has been filed for seeking a direction to dispose of the representation filed by the petitioner



in the year 2022.

9. The Court completely agrees with the submission made by the learned State counsel and fails to appreciate that as to why the petitioner in view of Annexure-5 to the writ application did not file a fresh representation before the DLAO for redressal of his grievance as raised in the instant writ application, as such, the **Court finds no merit in the writ application and the writ application is accordingly dismissed.**

(Satyavrat Verma, J)

Rishabh/-

U			
---	--	--	--

