

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21193 of 2018

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Ram Chandra Rai Son of Late Panchanan Rai Resident of village- Chilahari,
P.O.- Chilahari, P.S.- Dumraon, District-Buxar at present residing in Mohalla-
Tarnidih, Mauza- Rampur, P.O.- Malhara, P.S.-Mohanpur, District-Deoghar,
Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna
3. The District Magistrate-cum-Collector, Buxar
4. The District Land Acquisition Officer, Buxar
5. The National Highway Authority of India through its project Director,
project Implementation Unit,
6. Subodh Rai Son of Late Paramhans Rai Resident of Village-Chilahari, P.S.-
Dumraon, District-Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bibhakar Tiwary, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18
For the NHAI	:	Dr. Maurya Vijay Chandra, Advocate
	:	Mr. Gaurav Govinda, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-11-2025 Heard the parties.

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

*“(i) To issue an appropriate writ in the
nature of certiorari for setting aside the order
dated 14.07.2015 passed by the Land Acquisition
Officer, Buxar in L.A. case No.17 of 2015 by
which the amount of compensation for*



acquisition of land appertaining to Khesra no.2741 area 80 decimal and land appertaining to khesra no.2742 area 41 decimal has been ordered to be paid to Subodh Rai (respondent no.6);

(ii) To issue an appropriate writ preferably in the nature of certiorari for setting aside the order dated 10.04.2018, passed by the District Magistrate, Buxar in case No.92 of 2015 whereby and whereunder the District Magistrate, Buxar instead of referring the matter to the Land Acquisition Rehabilitation and Resettlement Authority has dismissed the Appeal preferred by the petitioner against order dated 14.07.2015 in L.A. case No.17 of 215;

(iii) To hold and declare that preparation of award and payment of compensation to the respondent no.6 during pendency of Title Suit no.44 of 1998 with regard to very same land is illegal being in teeth of section 3-H (4) of the National Highways Act, 1956.



(iv) To issue an appropriate writ preferably in the nature of mandamus commanding upon the respondent authorities to recover the amount paid to the respondent no.6 towards compensation and to pay the same to the person (s), in whose favour Title Suit No.44 of 1998 pending in the Court of learned Munsif, Dumraon, District-Buxar is finally decided.

(v) To grant any other relief (s) for which the petitioner may be found entitled to in the peculiar facts and circumstances of the case.”

3. A counter affidavit has come on behalf of the State respondent according to which the private parties are litigating the matter before competent Civil Court in Title Suit No. 44 of 1998.

4. Learned counsel for the petitioner submits that it would have been appropriate if the payment part would have taken place after the disposal of Title Suit No. 44 of 1998.

5. A Title Suit is pending, the petitioner has all the opportunity to raise all the points/grievance before the said court and which also has the jurisdiction to pass an appropriate order



after hearing all the necessary parties.

6. The writ petition is disposed of allowing the petitioner to take the aforesaid Title Suit to its logical conclusion.

(Rajiv Roy, J)

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