

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21721 of 2018

1. Md. Yaqoob and Ors son of Late Md. Bashir,
2. Chandan Mehta, son of Shri Laxman Mehta,
3. Narayan Sah, son of Late Ramchandra Sah, All resident of Village- Bhatiyahi, Post Office- Bhatuaha, Police Station- Jogbani, District- Ararai.
4. Md. Zakirullah, son of Late Md. Yasin, resident of Village- Mirganj, Post Office- Amama, Police Station- Jogbani, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Land Acquisition, Govt. of Bihar, Patna.
3. The Project Director, National Highway NHAI, Purnea.
4. The Collector, Araria.
5. The District Land Acquisition Officer, Araria.
6. The District Horticulture Officer, Araria.
7. The Divisional Commissioner, Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Syed Masleh-Uddin Ashraf, Sr. Adv. Mrs. Rana Hason, Adv. Mr. S. Shekhar Ashraf, Adv. Mrs. Homa Yunus, Adv.
For the Respondent/s	:	Mr. Rishi Raj Sinha -Sc19
For the NHAI	:	Mr. Dr. Maurya Vijay Chandra, Adv. Mr. Gaurav Govinda, Adv. Ms. Preety Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-11-2025 Learned counsel for the petitioners prays for and is allowed to implead Divisional Commissioner, Purnea Division, Purnea as respondent no. 7 in course of the day.

2. Heard Mr. S.M. Asraf, learned Senior Counsel for the petitioners and Mr. Dr. Maurya Vijay Chandra representing the NHAI.



3. The present application has been preferred:

for the issuance of a writ in the nature of mandamus to the respondents to pay the capitalized evaluated amount of the detached fruit bearing trees to the petitioners in accordance with the evaluated rate sent by respondent No. 6 to respondent No. 5 in course of widening of National Highway 57 (A) situated at mauza Bhatiahy and Mirganj, Anchal Forbisganj in the District of Araria in accordance with section 29 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. At the outset, learned counsel for the NHAI submits that though there was claim of Rs. 10,36, 575/- so far as the petitioner no. 1 is concerned, he has been paid Rs. 3,00,000/-, accepted by him under protest, regarding petitioner nos. 2 and 3, no payment has been made. Again, so far as respondent no. 4 is concerned, it has been informed by learned Senior Counsel that some payment has been made which he has been taken under protest.

5. In that background, learned counsel for the NHAI submits that petitioner nos. 1 and 4 will have to approach the newly added respondent no. 7, the Divisional Commissioner, Purnea Division, Purnea whereas respondent nos. 2 and 3 who



have not been paid any amount, they have the liberty to approach the District Land Acquisition Officer, Araria.

6. Learned Senior Counsel submits that they shall be taking appropriate steps in next four weeks.

7. The writ petition is accordingly disposed of allowing the petitioners to approach the appropriate authority/Divisional Commissioner, Purnea Division, Purnea/District Land Acquisition Officer, Araria for the redressal of the grievance.

8. Needless to add, if such petition is preferred in next four weeks, the authority shall take into account that the petition was pending before this Court since the year 2018 while dealing with the limitation petition.

9. The writ petition is disposed of with aforesaid observation.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

