

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24459 of 2018

1. Sadanand Yadav Son of Late Janardhan Yadav, resident of Vill.- Bank, P.S.- Bank, P.S.- Muffasil, District- Munger.
2. Mithilesh Yadav, Son of Late Janardhan Yadav, resident of Vill.- Bank, P.S.- Bank, P.S.- Muffasil, District- Munger.
3. Dhruv Kumar Sudhanshu Son of Late Janardhan Yadav, resident of Vill.- Bank, P.S.- Bank, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The District Magistrate, District- Munger.
5. The District Land Acquisition Officer-cum-Competent Authority, District- Munger.
6. The Circle Officer, Circle- Jamalpur, Block- Jamalpur, District- Munger.
7. The National Highways Authority of India through its Chairman, Sector-10, Dwarka, New Delhi.
8. The General Manager, National Highways Authority of India, Bihar.
9. The Deputy General Manager, National Highways Authority of India, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar Choudhary, Advocate
For the Respondent/s	:	Mrs. Nutan Sahay, AC to AAG-12
For the NHAI	:	Dr. Maurya Vijay Chandra, Advocate
		Mr. Gaurav Govinda, Advocate
		Ms. Preety Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2025 Heard the parties.

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

“a) To quash Award dated 08.08.2018



passed in Land Acquisition Case No. 03/15-16 under Sec. 3G(7) of the National Highways Act, 1956 prepared by Respondent No. 5 in favour of the Petitioners as compensation in lieu of acquisition of their land as the awards were passed contrary to the provisions of the National Highways Act, 1956 as well as the land was treated as agricultural land whereas the survey conducted by the Respondents itself categorized the land as residential.

b) To direct the competent authority to compute fresh and enhanced compensation in lieu of acquisition of land of the Petitioner in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as well as Bihar Land Acquisition Resettlement and Rehabilitation Policy, 2007.

c) To direct the Respondent authorities to abstain from taking possession of the Petitioner's land till the final disposal of the present writ application.



d) To pass any other order/orders in shape of a consequential relief to which the Petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.”

3. A counter-affidavit has come on behalf of the District Land Acquisition Officer, Munger, according to which, the Six Members Committee, after spot inspection, found the land of the petitioner not to be residential.

4. Learned counsel for the petitioners submit that this is contrary to the actual ground status.

5. Learned State counsel submits that in that case, proper petition has to be preferred before the Divisional Commissioner, Munger Division, Munger.

6. A perusal of the Annexure-9 shows that the petitioners have already preferred a petition but since there is no receiving/stamp of the concerned office, they are well advised to file a proper petition alongwith all the relevant documents in next four weeks and in case such petition/annexures is/are filed, the same has to be taken to its logical conclusion after hearing all the concerned parties in accordance with law.

7. Limitation cannot be a ground for the rejection of



the petition as admittedly, he was pursuing the case before Patna High Court since the year 2018 and annexure also shows that earlier, a petition was preferred.

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

(Rajiv Roy, J)

Adnan/-

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