

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.898 of 2024

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Arun Kumar Singh S/o Lt. Shiva Kumar Prasad Singh Permanent resident of village Sarmera, Post Office and Anchal and Police Station Sarmera, District Nalanda, presently residing at House No. 380/A, Mohalla Nehru Nagar, Post Office and Police Station Patlipura, Town and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms, Bihar, Patna.
2. The District Magistrate cum Collector, Nalanda at Bihar Sharif.
3. The Land Acquisition Officer, Nalanda at Bihar Sharif.
4. The Circle Officer, Anchal Sarmera, District Nalanda.
5. The Union of India, through the Secretary, Road and Transport Department, (National Highway Division).
6. The Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate Mr. Sanjeeb Kumar Sanju, Advocate Mr. Bhaskar Sandilya, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, G.P.-2 Mr. Radhika Raman, Sr. CGC Mr. Ram Tujabh Singh, CGC Mr. Saket Tiwary, Advocate Mr. Shivam Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 06-02-2025 1. Heard learned counsel for the petitioner, learned GP-2 for the State and learned counsel appearing on behalf of the NHAI.
2. Learned counsel for the petitioner submits that the land pertaining to Thana No. 82, Khata No. 820, Plot No. 3631, area 15 decimals at Mauza Sarmera, district Nalanda is his raiyati land. It is further submitted that 2.5 decimals of land from the aforesaid Plot No. 3631 has been utilized for construction of NH-33 without prior



notice and proper acquisition and even without paying compensation. It is next submitted that petitioner was completely shocked when he realized that his land for the aforesaid purpose has also been utilized to the extent of 2.5 decimals. It is submitted that petitioner is aggrieved by the fact that his land measuring 2.5 decimals appertaining to the aforesaid plot has been utilized for construction of NH-33 but then neither the land has been acquired nor any compensation has been paid. It is further submitted that petitioner even got his land measured after depositing the requisite fee and the Anchal Amin gave a report to the Circle Officer, Sarmera Anchal on 18.01.2022 wherein it was recorded that petitioner's land was used for construction of road by the NHAI for constructing NH-33. Learned counsel, thus, submits that since the report of the Anchal Amim also confirms that the land of the petitioner measuring 2.5 decimals from the aforesaid plot has been utilized for construction of NH-33 in that event the authorities of the NHAI were bound to inquire as to whether land of the petitioner has been utilized for the said purpose or not when petitioner had represented to the Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra vide speed post dated 18.09.2023. It is next submitted that the petitioner had earlier represented before the Collector, Nalanda vide his representation dated 07.08.2023 and the same was referred to the Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra but till



now no action has been taken.

3. Learned counsel appearing on behalf of the NHAI submits that the writ application can be disposed of with a direction to the Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra to consider and dispose of the representation of the petitioner dated 07.08.2023 which was referred to him by the Collector, Nalanda.

4. Learned counsel appearing on behalf of the NHAI further submits that it may be a possibility that the representation of the petitioner dated 07.08.2023 filed before the Collector, Nalanda which was referred to the Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra may not be found in his office on which learned counsel appearing on behalf of the petitioner submits that he will file a fresh representation before the Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra on or before 14.02.2025.

5. Learned counsel appearing on behalf of the State also does not have any objection to the said submission made by the learned counsel appearing on behalf of the NHAI.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a liberty to the petitioner to file a fresh representation before the Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra on or before 14.02.2025, if any representation is filed by the



petitioner on or before 14.02.2025 in that event the Project Director, Project Implementation Unit (PIU), National Highway Authority of India, Chhapra shall dispose of the same in accordance with law within a further period of four weeks.

7. It goes without saying that if it is found that the land of the petitioner measuring 2.5 decimals appertaining to Thana No. 82, Khata No. 820, Plot No. 3631, area 2.5 decimals at Mauza Sarmera, district Nalanda has been acquired for the purpose of construction of NH-33 in that event the authorities competent shall ensure that the petitioner is duly compensated in accordance with law.

(Satyavrat Verma, J)

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