

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22874 of 2018

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Upendra Sharma S/o Late Gobind Singh Resident of Chotki Delha Nawab Colony, Road no. 5, Gali no. 4, P.S. - Delha, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, N.H.A.I., New Delhi.
3. The District Magistrate cum collector, Patna, Bihar.
4. The District Land Acquisition officer, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anang Mohan Sinha, Sr. Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan -Sc25
For NHAI	:	Mr. Dr. Maurya Vijay Chandra, Adv.
		Mr. Gaurav Govinda, Adv.
		Ms. Preety Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2025 Heard the parties.

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

For commanding and directing to concern authority i.e. Respondent No. 4 (District Magistrate cum Collector), patna to direct Respondent. No. 5 (District Land Acquisition Officer, Patna) for payment as compensation of land of measuring 2500 square feets of the petitioner which is situated at Patna Buxar Four-lane NH-30 in Mauza- Phulwari, Thana No. 35, Khata No. 538, Khesara No. 6100, Rakwa 2500 Square feet and also make payment of Rs. 50,000/-



(Fifty thousand) as a litigation cost and expenses for filing this writ petition and also 18% per annum on estimated cost of land of 2500 square feets which was acquired by Govt. of Bihar of the petitioner. Because Respondent No. 5 (District Land Acquisition Officer) has in most arbitrary and malafidy manner with held the same up-till-now.

(ii) For that such an order/orders for which the petitioner is entitles under the law in the fact and circumstances of this instant case.

3. The matter relates to a piece of land as already incorporated in the prayer portion which the petitioner claims to have ownership and taken for acquisition under Patna-Buxar National Highway widening. He submits that no payment was made to him and upon query made under Right to Information Act, it was informed that some others whose name found incorporated in the document have been paid the amount in the year 2014 itself. The submission is that he only was entitled to the payment which must be cleared by the respondents.

4. It is to be noted that neither the State nor the Central National Highway Authority of India have filed their affidavits despite the fact that copies were served upon them in the year 2018.



5. Both the learned counsel representing the NHAI and the State jointly submit that in the writ petition itself, vide Annexure-2, the petitioner has disclosed that payments have been made to other person but they have not been incorporated in the list of the respondents.

6. Further, it is clear that while the petitioner failed to show his bonafide, others armed with the documents with regard to the said land got the compensation amount. The only thing that the petitioner is having is the notice that was issued to him in L.A. Case No. 60 of 2012-13.

6. At this stage, learned counsel for the petitioner submits that he shall be approaching the respondent no. 5, the District Land Acquisition Officer, Patna/concerned authority along with all the documents showing the ownership of the land in question.

7. Learned counsel for the respondents submit that if the same is filed, it will be looked into, parties will be noticed and an appropriate order shall be passed.

8. In that background, the writ petition is disposed of allowing the petitioner to file petition along with all the supporting documents to claim his ownership over the land in next four weeks before the respondent no. 5, the District Land



Acquisition Officer, Patna/concerned authority and if such petition is filed, he is duty-bound to look into it and pass an appropriate order after noticing/hearing the parties concerned.

(Rajiv Roy, J)

Vijay Singh/-

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