

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17943 of 2018

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1. Smt. Lakshmi Devi and Anr W/o Late Kailash Prasad,
 2. Lalan Prasad, S/o Late Kailash Prasad, Both are resident of Village- Barun, P.O. and P.S.Anchal- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Aurangabad, Bihar.
3. The Additional Collector-cum-Land Acquisition Officer, Aurangabad.
4. The Project Director, N.H.2, Baransi Zone, At Banaras U.P.
5. The Sakjham Pradhikari-cum-Deputy Collector, Land Reforms, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deen Bandhu Singh, Adv.
Ms. Kriti Kumari, Adv.
For the Respondent/s : Mr. Sajid Salim Khan -Sc25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 31-01-2026 Heard Mr. Deen Bandhu Singh, learned counsel for
the petitioner duly assisted by Ms. Kriti Kumari and the State.

2. The present application has been preferred:

*commanding the respondents to
implement the order dated 22.5.2017 passed
by the court of Arbitrator-cum-Additional
Collector, Aurangabad in L.A.Case
no.56/2016-17 under sections 3G(5) of
N.H.Act 1956 and accordingly prepared a
fresh award or be pleased to pass such an
order or orders which petitioners deem to be
entitled.*

3. The petitioner claims to own a piece of land having



following details:

Khata No.- 09;

Plot No.- 825;

*Area- 670 Sq. meter within Village Barun
in the district of Aurangabad.*

3. The matter relates to the Land Acquisition Case No. 56 of 2016-17 (Laxmi Devi Vs. Project Director, NH-2, Varanasi). The petitioner on the point of compensation moved before the then Arbitrator-cum-Additional Collector, Aurangabad who vide an order dated 22.05.2017 accepted the claim of the petitioner that it a commercial land and accordingly, direction was issued to the Competent Authority to make payment accordingly.

4. Since no payment made, the writ petition.

5. A Co-ordinate Bench took up the matter on 25.03.2025 and directed the NHAI to file counter affidavit.

6. Today, neither the counter affidavit is there nor the learned counsel has bothered to appear. Meanwhile, the petitioner has filed supplementary affidavit stating that against the order in question (order dated 22.05.2017) issued by the Arbitrator-cum-Additional Collector, Aurangabad in L.A. 56 (2016-17), the NHAI moved before the Competent Court under Section 3G(5) of the NH Act, 1956 which was dismissed on 30.04.2019 by a Competent Court on the ground that the party



who preferred the petition failed to appear.

7. The stand of the petitioner as narrated in the supplementary affidavit is that this order came to be passed in the year 2019, we are in the year 2026, till 04.04.2025, when supplementary affidavit was filed, no step was taken to get the matter revived and thus, the petitioner is entitled to get the amount immediately.

8. In that background, the writ petition is disposed of with the observation that if the challenge to the order which was dismissed on 30.04.2019 has still not been revived, the petitioner be cleared the entire amount within a period of four weeks from today.

9. If the payment has already been made, no step has to be taken.

10. Failure to do so, the petitioner shall also be entitled to the statutory interest in accordance with law.

(Rajiv Roy, J)

Vijay Singh/-

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