

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23441 of 2018**

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1. Ram Vivek Singh S/o Late Shivdhar Singh @ Sridhar Singh Resident of Village- Basuki Bihari, Post- Basuki Bihari, P.S.- Madhwapur, District- Madhubani
  2. Ajay Kumar Singh S/o Sri Ram Vivek Singh Resident of Village- Basuki Bihari, Post- Basuki Bihari, P.S.- Madhwapur, District- Madhubani

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary Ministry of Road Transport and Highways, New Delhi
2. The Principle Secretary, Revenue Department, New Secretariat, Govt. of Bihar.
3. The State of Bihar through District Magistrate, Madhubani
4. The Competent Authority cum District Land Acquisition Officer, (the designated Collector) Madhubani
5. The Additional Collector-cum-Enquiry Officer, Madhubani
6. The Circle Officer Madhwapur, District- Madhubani

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ranjan Kumar Dubey, Advocate<br>Mr. Kumar Gaurav, Advocate<br>Mr. Shashank Kashyap, Advocate<br>Ms. Sheshadri Kumari, Advocate<br>Ms. Ishique Raj, Advocate |
| For the Respondent/s | : | Mrs. Nutan Sahay, AC to AAG-12                                                                                                                                  |
| For the NHAI         | : | Mr. Sanat Kumar Mishra, Advocate                                                                                                                                |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      13-01-2026                      Heard Mr. Ranjan Kumar Dubey, learned counsel for the petitioners duly assisted by Ms. Sheshadri Kumari, Mrs. Nutan Sahay, learned AC to AAG-12 and Mr. Sanat Kumar Mishra representing the NHAI.

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



*“(i) For issuance of writ in the nature of certiorari for quashing the order dated 24.08.18 passed by the presiding officer of Land Acquisition, Rehabilitation and Resettlement, Tribunal Darbhanga hereinafter called as LARRA (DBG) in Misc. Case No. 17/17-18 by which he has dismissed he said Misc. Case as filed by petitioner u/s 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.*

*(ii) For issuance of writ in the nature of command the authority under the act to fix the compensation of the land of petitioners as per the prevalent residential value in the area and pay the same as per the petitioners forthwith.*

*(iii) For any other writ/writs, order/orders for which petitioners deemed entitled to.”*

3. The matter relates to lands situated in Mauja Basuki Bihari, Thana No. 61 in Madhwapur Circle in the District of Madhubani.

4. Pursuant to the Land Acquisition Proceeding Case



No. 01 of 2015-16 relating to construction of Indo-Nepal Border road (Parsa to Akharaghat), the lands in question was/were acquired.

5. The contention of the petitioner is/are as follows:

*“(i) on 25.01.2017, they moved before the Collector so that the matter is referred to the Land Acquisition, Rehabilitation and Resettlement Authority (for brevity ‘the LARRA’) (annexure-5 to the petition);*

*(ii) the submission is that though the exact word/act was not incorporated, the same was not referred and in that background, he directly moved before the Land Acquisition, Rehabilitation and Resettlement Authority on 20.03.2017 (annexure-9 to the petition);*

*(iii) further, to safeguard his interest and to avoid the technicalities which may cause prejudice to him, another petition was preferred before the Collector, Madhubani on 30.12.2017 (annexure-11 to the petition).”*

6. The contention is that ‘the LARRA’ in Misc. Case No. 17 of 2017-18 vide an order dated 24.08.2018 taking into account the fact that the application submitted by the petitioner on 25.01.2017 before the Collector had no prayer for its reference to ‘the LARRA’ though on 30.12.2017 it filed another



petition before the Collector, Madhubani alongwith the limitation petition for condoning the delay and as the same was filed during the pendency of the Misc. Case No. 17 of 2017-18 that was being dealt by 'the LARRA', it was dismissed (Annexure-1 to the petition).

7. Learned counsel for the petitioner submits that 'the LARRA' considered the earlier petition dated 25.08.2017 as also the second petition before the Collector dated 30.12.2017 which was filed alongwith limitation petition ought to have passed an order on merit instead of dismissing it on technical ground.

8. A counter-affidavit has come on behalf of the State-respondent nos. 3 to 6 and according to it, the petitioner did not filed any petition before the Collector for reference under Section 64 of the Act.

9. This Court is of the opinion that when 'the LARRA' had taken up the matter for consideration and also acknowledges that realizing the mistake, the petitioner preferred another petition on 30.12.2017 alongwith limitation petition, it ought to have taken a wider look and decide the matter on merit instead of dismissing it on technical ground.

10. On this ground alone, this Court is of the opinion that the order has to go.



11. The order dated 24.08.2018 passed in Misc. Case No. 17/2017-18 passed by 'the LARRA' (annexure-1) stands quashed.

12. The petitioners alongwith the copy of the order shall be approaching 'the LARRA' in next four weeks which shall be taking up the matter and the same has to be decided in accordance with law on merit.

13. The writ petition stands disposed of with aforesaid observation.

**(Rajiv Roy, J)**

Adnan/-

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