

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2985 of 2026

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Parmanand Bhagat Son of Late Raj Chand Bhagat, Resident of Village-Siswa,
Rajhat, P.S.-Banmankhi, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Dept. Bihar, Patna.
2. The Divisional Commissioner, Purnea cum Arbitrator (Appointed under section 3(G) 5 N.H. Act, 1956).
3. The Collector, Purnea.
4. The Competent Authority cum District Land Acquisition Officer, Purnea.
5. Project Director National Highway Authority of India-1 (Project Implementation Unit Purnea) Purnea Head Office, Sikandar Singh Ex-MLA, Sahaban Hata, Janta Chowk, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Jha, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 30-06-2026 Heard Mrs. Pratima Kumari, learned counsel for the

petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14.

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

*“for issuance of an appropriate
writ/writs, order/orders, direction/directions in
the nature of Mandamus directing the
Respondent no. 2 (The Divisional Commissioner,
Purnea cum Arbitrator (Appointed under section
3(G)5 N.H. Act, 1956) to restore the Arbitration*



Case No.225 of 2023 filed by the petitioner before him U/Sec- 3(G)(5) of the N.H. Act 1956 in No.37 dated 09/10/2023 issued by competent authority cum DLA Officer Purnea passed in Land Acquisition Case No. 10-30/2021-22, who has twice dismissed the Restoration Petition of the petitioner.

Further the Respondent no.2 (The Divisional Commissioner, Purnea cum Arbitrator (Appointed under section 3(G)5 N.H. Act, 1956) may be directed after restoration of the Arbitration Case No.225 of 2023 be heard on its merit and disposed of within a stipulated period in accordance with law.

And/or pass such other order or orders as your Lordships may deem fit and proper.”

3. The matter relates to the award/compensation for the land the petitioner owned and aggrieved by the Award, preferred **Arbitration Case No. 225 of 2023 (Parmanand Bhagat vs. The State of Bihar & Ors.)** before the respondent no. 2, the Divisional Commissioner, Purnea-cum-Arbitrator. It came to be dismissed on **25.03.2025** and the



learned Divisional Commissioner, Purnea recorded that from 27.08.2024, the petitioner has repeatedly absented himself and it seems that he has lost interest in the case.

4. Aggrieved, the present petition.

5. Learned counsel for the petitioner submits that contrary to the observation made in the order sheet, the petitioner was diligently appearing in the matter and further after 27.08.2024, when he failed to appear, the petitioner appeared on the next appointed date, 01.10.2024 but recording that he absented himself regularly, it was accordingly dismissed on 01.10.2024 itself.

6. This Court, in view of the contention of the petitioner that despite request, the complete order sheets were never provided by the respondents directed the State-respondents to file the entire order sheets alongwith the counter-affidavit.

7. Pursuant thereto, the counter affidavit containing the order sheet, has come. On perusal of the said order sheet, it would manifest that the case was adjourned on 05.03.2024 when the petitioner was absent. It was taken up next on 09.04.2024 when time petition was preferred by the petitioner and the matter was adjourned for 18.06.2024.



8. The order dated 18.06.2024 clearly shows that though the petitioner was present, it was the Arbitrator who was attending the programme of the Hon'ble the Chief Minister of Bihar through video conferencing and as such, it was adjourned for 27.08.2024 when the petitioner was found absent.

9. The order dated 01.10.2024 clearly records that the petitioner is present whereafter in a different handwriting it has been recorded that the petitioner was absent. Thereafter, the word 'absent' has been struck off and now it reads that the petitioner was 'absent on call'. This follows the order in english that: *petitioner is continuously absent on several dates, it seems to be uninterested in his case, hence dismissed for default.*

10. This Court fails to understand that when an order dated 01.10.2024 duly signed by the Arbitrator -cum- Divisional Commissioner, Purnea is on record what prompted him to record another order on 01.10.2024. Further, the handwriting of the entire order sheet *vis a vis* the order recorded on 01.10.2024 are quite different.

11. This Court has further taken note of the fact that the petitioner preferred a time petition on 09.04.2024. On the



next date, i.e. on 18.06.2024, when the petitioner was present, the Arbitrator was busy and as such, the matter was adjourned. Though on 27.08.2024, the petitioner was absent, on 01.10.2024, his presence has been recorded. Later, after recording that he failed to appear on call and has continuously absented himself, the petition was dismissed for default. In the opinion of this Court, the order sheet do not justify the observation made by the Arbitrator that the petitioner continuously absented himself.

12. In that background, the order dated 01.10.2024 in Arbitration Case No. 225 of 2023 (Parmanand Bhagat vs. The State of Bihar & Ors.) passed by the respondent no. 2, the Arbitrator-cum the Divisional Commissioner, Purnea stands quashed and the matter is remanded back for deciding the matter afresh by a comprehensive and reasoned order.

13. The petitioner is directed to remain vigilant and present himself on each and every date so that the matter is taken to its logical conclusion at an earliest, preferably within a period of three months.

14. So far as the order sheet which has been provided with the counter-affidavit the order dated 01.10.2024 recording the presence and absence of the



petitioner creates doubt. The Divisional Commissioner, Purnea is required to look into the matter and satisfy himself/herself in this case.

15. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Adnan/-

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