

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4497 of 2025

1. Mukesh Kumar S/o- Ram Chandra Bhagat, R/o- Ward no.-02, Gangapur, P.S. Janakinagar, District- Purnea.
2. Anil Kumar Bhagat, S/o- late Munindra Prasad Bhagat, R/o- Chopra Ram Nagar, P.S- Jankinagar, District- Purnea.
3. Ashok Bhagat, S/o- late Munindra Bhagat, R/o- Chopra Ram Nagar, P.S. Jankinagar, District- Purnea.
4. Mahendra Prasad Gupta, S/o- Baldev Sah, R/o- Ward no.- 03, Belchand, Mohania Chalda, P.S. Janakinagar District- Purnea.
5. Sita Devi, W/o- Suresh Kumar Bhagat, R/o- Near N.11-107, Choprabazar, Ward no.-05. Ramnagar Pharsahi, Chopra Ram Nagar, P.S- Jankinagar, District- Purnea.
6. Ranivati Devi, W/o- late Chhotan Manjhi, R/o- Ward no.-05.- Choprabazar, Ramnagar Pharsahi, P.S. Jankinagar, District- Purnea.
7. Rambha Devi, W/o- Upendra Prasad Sah, R/o- Ward no.-05, Choprabazar, Ramnagar Pharsahi, P.S. Jankinagar, District- Purnea.
8. Aarti Devi, W/o- Chandan Kumar Pankaj, R/o- Near N.H-107, Choprabazar, Ward no.-05, Ramnagar Pharsahi, P.S- Jankinagar, District- Purnea.
9. Rajiv Kumar Singh, S/o- late Bateshwar Singh, Ward no.-05, Choprabazar, Ramnagar Pharsahi, P.S-Jankinagar, District- Purnea, Bihar.
10. Naresh Kumar Bhagat, S/o- late Kare Lal Bhagat, R/o- Chopara Bazar, Ward no.-04, Ramnagar Pharsahi, Chopra Ram Nagar, P.S. Janakinagar District- Purnea.
11. Chandra Kumar Bhagat, S/o-Jageshwar Bhagat, R/o- Near Bus Stand, Ward no.-02, Choparabazar, Ramnagar Milik, P.S. Janakinagar, District- Purnea.
12. Uday Kumar Singh, S/o- Harendra Prasad Singh, R/o- near N.11.107, Choprabazar, Ward no.-05. Ramnagar Pharsahi, Chopra Ram Nagar, P.S- Jankinagar, District- Purnea.
13. Arya Jaiswal, W/o- Tej Prakash, R/o-Ward no.-04, Choparabazar, Ramnagar Pharsahi, P.S. Janakinagar. District- Purnea.
14. Pradip Kumar Bhagat, S/o- Late Banarsi Prasad, R/o- Ward no.-05. Choprabazar, Ramnagar Pharsahi, P.S. Janakinagar District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Purnea Division, Purnea, Bihar.
4. The District Magistrate, Purnea, Bihar.
5. The District Land Acquisition Officer, Purnea, Bihar.
6. The National Highways Authority of India through Regional Officer, Bihar,



Patna.

7. The Chief Engineer, National Highways Authority of India, Purnea, Bihar.
... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
	:	Mrs. Mira Kumari, Advocate
	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Standing Counsel (15)
For the NHAI	:	Mr. Rajesh Kumar Shandilya, Advocate
	:	Ms. Ankita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 24-03-2026 Heard Mrs. Nivedita Nirvikar, learned Senior
Counsel for the petitioners duly assisted by Mrs. Mira Kumari
and learned counsel representing the State as also learned
counsel representing the National Highway Authority of India.

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

*“(i) for quashing the notices dated
08/04/2023 Vide File No.10-30/2021-22, Panchat
No.13, Ramnagar Pharsahi issued under
signature Respondent District Land-Acquisition
Officer, Purnea, in the name of some of the
petitioners (Suresh Bhagat husband of petitioner
no. 5.) 7.8 (Bateshwar Singh-father of Petitioner
no.9)11 and 14 who had in arbitrary manner
passed an ex-parte order for giving
compensation a meager amount to the petitioners*



without notice before initiation of land acquisition proceeding under the Act.

(ii) for the issuance of writ of Mandamus for directing and refraining the respondent authorities specifically Respondent nos.-5 and 6 from forcefully acquiring the lands of the above-named Petitioners which was marked in 'Red colour' on the wall of the petitioners of houses/shops and from demolishing the houses/shops of the Petitioners for construction of 'Truck Lay-by' in the midst of market of Choprabazar situated in the area only about 500 meters, where the petitioners and the local residents have their houses and they are living with their family members since years back, further the proposed Truck lay-by' area is also in between the market and residential area of the whole locality.

(iii) for the issuance of writ of Mandamus for directing and refraining the respondent authorities not to construct 'Truck Lay-By' on the road side land situated in only in the area about 500 meters between the market



and residential area of the whole locality, and kindly direct the respondents to shift the proposed 'Truck Lay-By out of the market area either East or West, where there is several vacant land either of Government of Bihar or cultivable land of Raiyats of main Road side.

(iv) for the issuance of writ of Mandamus for directing the respondent authorities to take action in consonance with the laws laid down in the Land Acquisition Act, 1894, Requisitioning and Acquisition of Immovable Property Act, 1952, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the National Highways Act, 1956 for taking the land of the petitioners for construction of NH-107, which was marked by the authorities as 'green colour' on the wall of the houses/shops of the petitioners.

(v) for any other relief/relief (s) for which the petitioners are found entitled to in accordance with law and in the facts and in the circumstances of this case.”



3. The matter relates to the construction of Maheshkhut-Sonbarsa Raj-Saharsa-Madhepura-Purnea Section for which the Ministry of Road Transport and Highway (henceforth for short 'the MORTH'), New Delhi came out with a notification firstly on 26.03.2021 and later on 20.07.2021.

4. Fourteen petitioners are there, all claim to be resident of that area having their respective raiyati land which is going to be acquired. The claim is that though the names reflect in the notification, notices have only been issued to the four persons and in those cases also, in a discriminatory manner, the award has been prepared without considering the category of the land.

5. Learned Senior Counsel for the petitioners has taken this Court to a map issued by the Project Director, National Highway Authority of India, Begusarai which records that all the land that is/are going to be acquired, some of them were already acquired in the year 1952-56.

6. The submission is that though it has been recorded that some of the lands were acquired in the aforesaid year, the petitioners never received any compensation. Further submission is that the lands are being taken/acquired for a construction for which they have no objection, the buildings/residences are



demolished and there is no clarity whether they are entitled to the compensation pursuant to the recent notification and/or whether they were ever given any compensation relating to the earlier acquisition in the year 1952-56.

7. Pursuant to the order passed by the coordinate Bench, the affidavits have come both on behalf of the State as also 'the NHAI', learned State counsel has taken this Court to the counter affidavit filed on behalf of the respondent no.3 to 5 with specific reference to the paragraph no.19 which read as follows:

“19. That with regard to the statement made in Para No.30 of the writ petition it is submitted that admittedly such raiyats/petitioners are paid compensation whose raiyati land is acquired by the State vide Notification No.2677 dated 20.07.2021 published U/s 3(ii) of the National Highways Act, 1956 and notice U/s 37(2) of the Act 30 of 2013 was also served to such landholders/petitioners.”

8. This Court can only observe that by referring to this paragraph, the State has only complicated the matter further. There is no clarity on the point:

(i) whether the land of the petitioners



are part of the construction that is going to be undertaken in the said Maheshkunt-Sonbarsa Raj-Saharsa-Madhepura-Purnea Section or not;

(ii) whether they are entitled to the compensation or not and/or;

(iii) whether they have already received compensation pursuant to the acquisition made in the year 1952-56.

9. Another counter affidavit is on behalf of 'the NHAI' and learned counsel has taken this Court to paragraph no.12 which read as under:

"12. That in reply to the contents of para 22 it is submitted that it is incorrect to say that land was acquired by NHAI in 1952-56. However, it was acquired by RCD in year 1952-56. The payment of compensation to then raiyats are matter of record and anything contrary to record is denied. It is denied that there is any contradictory statement."

10. From the aforesaid facts, one thing is clear, an acquisition took place in the year 1952-56 by the Road Construction Department, Bihar, Patna. However, whether the petitioners who claim to be raiyati land owners of the said area



were compensated or not, the State counsel is mum on it.

11. The notification dates back to the year 2021, we are in the year 2026. Still, the common man/woman/citizen are moving from pillar to post for their rightful dues.

12. In that background, it would be futile keeping the case pending. Instead, onus lies on the head of the district namely the Collector, Purnea (respondent no.4) to look into the matter, summon the respondent no.5, the District Land Acquisition Officer, Purnea alongwith the relevant files relating to acquisition of the land in the year 1952-56 and come to the conclusion:

(i) whether the land of the petitioners are part of the present acquisition process and/or it already stands acquired;

(ii) in both the cases, whether the petitioners are entitled to the compensation and/or whether they have already received compensation.

13. Learned Senior Counsel for the petitioners submit that the aggrieved petitioners shall be filing their respective representations individually alongwith all the relevant documents before the concerned authority, the Collector, Purnea in next eight weeks.



14. Learned State counsel as also the learned counsel representing 'the NHAI' jointly submit that they shall be cooperating in the matter and see to it that the separate cases of the petitioners are taken to its logical conclusion.

15. In that background, if the petitioners individually prefer petition in next eight weeks, the Collector, Purnea is duty bound to look into the matter as recorded above and pass a reasoned order at an earliest and in any case, within four months from the date, the representation of an individual is received in his/her office.

16. In case, any of the petitioner is found entitled to the compensation, he/she shall be paid the amount in next eight weeks after passing the order.

17. In case he/she is not entitled, the reasoned order must record the facts which led to the rejection of the claim.

18. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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