

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3953 of 2026

1. Priyadarshan Kumar Son of Late Arjun Prasad, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).
2. Vinay Kumar Son of Late Arjun Prasad, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).
3. Satyendra Prasad Verma Son of Late Mahavir Mahto, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).
4. Shailendra Kumar Son of Ramchandra Prasad, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).
5. Bhagwat Prasad Son of Late Govind Mahto, Resident of Village- SonuBigha, Kadirganj, Post Office- Kadirganj, Police Station-Kadirganj, Nawada, Bihar (805104).
6. Ramchandra Prasad Son of Late Rameshwar Mahto, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).
7. Devnandan Prasad Son of Late Kisun Mahto, Resident of Village- Paijuna, Post Office- (Paharpur), Police Station- Akbarpur, Nawada, Bihar (805126).
8. Ram Pravesh Prasad Son of Late Ram Prasad Mahto, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).
9. Dulari Devi Wife of Late Kuladip Mahto, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).
10. Santi Devi Wife of Late Kailash Mahto, Resident of Village- Paijuna, Post Office- Paharpur, Police Station- Akbarpur, Nawada, Bihar (805126).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Old Secretariat, Bailey Road, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Old Secretariat, Bailey Road, Patna.
3. The District Magistrate, Nawada, Bihar.
4. The District Land Acquisition Officer, Nawada, Bihar.
5. The Additional District Land Acquisition Officer, Nawada, Bihar.
6. The Circle Officer, Akbarpur, Nawada, Bihar.
7. The Sub-Divisional Officer, Nawada, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Government Advocate (11)



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-03-2026 Heard the parties.

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

“I. For quashing of the Notices dated 17.11.2025 under Section 37(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by which inappropriate solatium has been granted to the petitioners without considering the facts and the relevant documents and further for recalculation of amount of compensation totally into consideration the fact that the nature of acquired land is commercial / residential and not Dhanhar.

It is stated that the respondent authorities failed to recognize the nature of the land. The respondent arrived at the compensation amount by considering the nature of land as "Dhanhar" (धनहर) which is not permissible under the law.



II. For issuance of an appropriate writ, order or direction, particularly a writ in the nature of mandamus directing the respondent authorities to forthwith release the appropriate compensation amount payable in respect of the land in question acquired under the Land Acquisition Case No. 08/2024 for the construction/widening of the State Highway 103 Manjhbe to Govindpur Road appertaining to Mauza -Paijuna, Thana No. 221.

It is sated that the actual nature of land is Commercial/Residential and not "Dhanhar" (धनहर),

In the alternative the petitioner further prays for direction upon the respondent District Magistrate, Nawada to refer the matter to appropriate authority under the provision of section 64 of the Right to For compensation and transparency in land acquisition, Rehabilitation and Resettlement Act, 2013, for which appropriate application has already been filed by the petitioner.

III. For any other direction(s), order(s), relief(s) or consequential relief(s) to which the



petitioners may be found entitled to in the facts and circumstances of this case.”

3. After some arguments, learned counsel for the petitioners submit that they shall be approaching the concerned authority in the light of earlier order passed by a Coordinate Bench in **Kakolat Road Muawza Samiti and Ors. vs The State of Bihar & Ors. (CWJC No. 1701 of 2026)** disposed of on **03.02.2026**.

4. The respondents have no objection.

5. Paragraph nos. 4 and 5 of the order passed in Kakolat Road Muawza Samiti (supra) read as follows:

*“4. In view of the recorded evidence and the established MVR of the area, in which vicinity, petitioners' land has been acquired, I find it proper that the concerned authority must give due regard to the same and recalculate the amount of Award at the current rate of MVR so that the petitioners should not be made to suffer financially in any manner. The claim of the petitioners is supported by the judgment of the Apex Court in the case of **Indore Development Authority Vs. Manohar Lal & Ors., reported in AIR 2020 SC 1496** and the*



amendment brought in the Act, 2013 in the year 2018. Admittedly, in the present case, the petitioners have not received the amount of compensation till date.

5. The writ petition, accordingly, stands disposed of.”

6. In that background, the writ petition is also disposed of in the aforesaid terms.

(Rajiv Roy, J)

Adnan/-

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