

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5673 of 2025

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Pankaj Kumar Sharma S/o Yashwant Kumar Sharma Resident of Ward No.-
16, Balu Ghat, Saraiya, Sadullahpur, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
5. The Sub Divisional Magistrate (East), Muzaffarpur, District- Muzaffarpur.
6. The Land Acquisition Officer, Muzaffarpur.
7. The Highway Administrator, National Highways Authority of India, Project Implementation Unit, Darbhanga.
8. The Circle Officer, Mushari, Muzaffarpur.
9. M/s Dhariwal Buildtech Ltd., Road Contractor, Regional Office, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the State	:	Mr.Prashant Pratap, GP-02
For the NHAI	:	Mr. Gaurav Govinda, Advocate
		Ms. Preety Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 30-03-2026 Heard Mr. Shashi Bhushan Singh, learned counsel

for the petitioner and Mr. Prashant Pratap, learned GP-02 as also

Mr. Gaurav Govind, learned counsel for the NHAI.

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

*(i) for issuance of an appropriate writ in the
nature of Certiorari for quashing the letter
No. 1432 dated 26.11.2024 issued under the*



signature of respondent no.7 whereby and whereunder without measurement and without holding unauthorized construction on land bearing Khata No. 434, Plot No. 1805, 1806 total area 20 decimal upon which three storeys Hotel was situated which has been forcefully demolished by the respondent no.7 taking the shelter of section 26 (7) of Land Highways Act, 2002 in which there is provision to remove unauthorized construction without giving any notice;

(ii) for Issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondents authorities to pay compensation for demolishing three storeys Hotel of the petitioner amounting Rs. 06,036,007/-;

(iii) for Issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondents authorities to remove the encroachment which has been forcefully taken by demolishing the three



storeys hotel of the petitioner and in case the respondent NHAI is in need of raiyati land of the petitioner the same may be acquired under the provision contemplated in Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) and pay compensation as per prevailing rule;

(iv) for issuance of any other appropriate writ/write. order/orders, direction! directions for this the writ petitioner shall be found entitled under the fact and circumstances of the case,

3. The matter relates to a piece of land having the following details:

khata no. 434

khesra no. 1805 (8 decimals) under Ahiyapur Circle in the district of Muzaffarpur.

4. The claim is that in the garb of acquisition of land for National Highway-57 (0.00-310 kilo meters) (Muzaffarpur-Purnea Section) though plot no. 1805 and 1806 having 0.14



decimal and 0.10 decimal respectively which belong to his vendor, Rajesh Sinha, payments have been made, illegally, his land which was purchased from the same vendor has been usurped and the hotel running on it has been demolished.

5. Earlier, the coordinate bench of this Court vide an order dated 02.02.2026 directed the State respondents, 'the NHAI' as also the petitioner to present themselves on the site alongwith their respective 'Amins' and the plot no. 1805 and 1806 be again measured.

6. Subsequent thereto, a supplementary counter affidavit has come on behalf of respondent no.3 and 5 to 8 duly signed by the District Land Acquisition Officer, Muzaffarpur and the learned State counsel has taken this Court to paragraphs 12 to 14 which read as follows:

12. That the said measurement was carried out transparently and in the presence of the following persons:

(i) Amin Shri Kumar Shanu from the District Land Acquisition Office, Muzaffarpur;

(ii) Contract Amin Shri Amarjeet Paswan from Anchal Office,



Bochaha;

*(iii) Amin Shri Niranjan Kumar Singh
from National Highways Authority of
India, Muzaffarpur;*

*(iv) The petitioner, Shri Pankaj
Kumar Sharma, along with his own
Amin.*

*13. that during the said joint
measurement, it was categorically
found that the previously marked
alignment and the acquired area were
entirely correct, on the basis of which
the State Government carved out the
acquired land to the extent of 5.93
decimals and handed over the same
to the NHAI;*

*14. that despite the findings of the
joint measurement team confirming
the correct alignment, the petitioner
and his Amin expressed their
disagreement with the measurement.
The petitioner and his Amin refused*



to accept the alignment marked by the measurement team and deliberately declined to sign the measurement proceeding.

7. The connecting Annexures and the photograph have also been attached in support of the said contention of measurement that took place on 23.02.2026.

8. Learned counsel for the petitioner submits that though the land has been measured, there is no clarity on whether the land of the petitioner has been taken over/illegal demolition took place or not.

9. Learned State counsel has pointed out that the acquisition has been made, compensation paid and the respondents have not moved beyond that and if any encroachment found, only that part has been removed.

10. He further submits that it is the case of the petitioner that to save the land of an ex-MLA, all these demolition have taken place. However, neither the ex-MLA has been named nor impleaded as party respondents and as such the said contention, has to be rejected and this petition is fit to be dismissed for non-joinder of necessary parties.

11. This Court has gone through the facts of the case



as also the measurement report/submissions of the parties. The respondents have clarified that they have limited themselves to the acquisition so made so far as the Khesra nos. 1805 and 1806 are concerned.

12. Conflicting claims have been put forward which cannot be adjudicated in the writ jurisdiction.

13. The petitioner has option either to move before the Collector, Muzaffarpur alongwith all the supporting documents who can summon the District Land Acquisition Officer, Muzaffarpur as also Officials of 'the NHAI' to take a decision in the matter. Alternatively, if his case is that to save the skin of an ex-MLA, all these demolition have taken place, can very well knock the doors of the competent Civil Court so that once and for all, the disputed questions are settled.

14. The writ petition is disposed of with the aforesaid observation. All the interim orders stand merged with the final order.

(Rajiv Roy, J)

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