

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4708 of 2026

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1. Sunila Devi Wife of Manoj Yadav, Resident of Ward No. 5, Kumhar Chakki, P.O.-Rahimpur, P.S.-Muffasil, District-Khagaria.
 2. Kanchan Kumari, Wife of Abodh Kumar Abdhesh, Resident of Ward No. 5, Kumhar Chakki, P.O.-Rahimpur, P.S.-Muffasil, District-Khagaria.
- Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Home, Government of Bihar, Patna.
5. The Deputy Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna-cum-Nodal Officer.
6. The Commissioner, Munger Division, Munger.
7. The District Magistrate cum Collector, Khagaria.
8. The Additional Collector, Khagaria.
9. The Sub-Divisional Officer, Sadar, District-Khagaria.
10. The National Highway Authority of India through the Chairman, G-5 and 6, Sector-10, Dwarka, New Delhi.
11. The Regional Officer, National Highway Authority of India, Class icon, Shivmitra Apartment, Block-B, First Floor, Vivekanand Marg, Boring Road, Patna-800013.
12. The Union of India Ministry of Home Affairs, New Delhi through its Secretary.
13. The Secretary, Ministry of Home Affairs, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Waliur Rahman, Advocate
	:	Mr. Roshan Kumar Mishra, Advocate
For the State	:	Mr. Government Pleader (18)
	:	Mr. Navneet Kumar, AC to GP-18
For the NHAI	:	Mr. Amresh Kumar, Advocate
For the UOI	:	Dr. Iti Suman, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-07-2026 Heard Mr. Waliur Rahman, learned counsel for the

petitioners and Mr. Amresh Kumar, learned counsel for the

National Highway Authority of India as also Dr. Iti Suman,



learned counsel representing the Union of India beside Mr. Navneet Kumar, learned AC to GP-18 representing the State.

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

“(i) for quashing and setting aside the order contained in Memo No. 2053 dated 21.08.2024 (in so far as it relates to 4 Bigha 5 Kattha and 10 dhur of land appertaining to Khata No. 144, Plot No. 232 in Thana No.267 situated at Mauza-Hazipur, Anchal- Khagaria within the district of Khagaria), wherein and whereby under the Chairmanship of Additional Collector, Khagaria, a team has been constituted for the inspection of landed property including property is mentioned above for the construction/establishment of Vending Zone without keeping in mind the interest as narrated in their representation itself.

(ii) for further direction upon the Respondent authority before construction/ establishment of vendee zone over the land as mentioned in Memo No.2053 dated 21.08.2024 ensure the ingress and egress of the petitioners by keeping in mind the commercial and



professional activities so that their establishment/showroom for Sonalika Tractor and Ashok Layland Truck could not be frustrated.

(iii) for further also restrain the Respondent authority from taking possession over the landed property which is about measuring 4 Bigha, 5 Katha 10 dhur of land bearing Khata No. 144, Khesra/Plot No.232, Thana No. 267 at Mauza- Hazipur, Anchal + District- Khagaria since the land has been acquired earlier for the purpose of extension of N.H.31 and the aforesaid property the port of guide embankment to protect from River Gandak and belonging to National Highway Authority of India.

(iv) for also direct the Respondent authority to consider the representation of the petitioners' and act in accordance with law and ensure the ingress and egress to the approaching road keeping in mind the aforesaid viability of the petitioners' showroom.

(v) for further also direct the Respondent authority to maintain status-quo with



regard to land belongs to Khata No. 144, Plot No. 232 situated at Mauza-Hazipur, measuring 4 bigha, 5 Katha, 10 dhur lands till the disposal of present writ application.”

3. The petitioners are running showroom of Sonalika Tractors and Ashok Leyland Trucks and their prayer has come down to allowing the showroom to run in a proper manner inasmuch as they must have ingress/outgress of the vehicle from the showroom.

4. The counter affidavits have come both on behalf of ‘the NHAI’ and the State and the sum and substance of the case is that due to complete encroachment, the movement towards, Khagaria Railway Station has become impossible. In that backdrop, the decision has been taken to construct vending zones. The Executive Officer, Municipal Council, Khagaria has been asked as to provide information regarding the vending zone and upon perusal of the report, it was found that 24 local vendors set up their shops everyday.

5. The measurement took place in the year 2024 in the presence of ‘the NHAI’ surveyor and the Anchal Amin with the Sub-Divisional Magistrate, Khagaria, the Deputy Collector Land Reforms, Khagaria as also the Executive Officer, Municipal Council amongst other present there and a decision was taken to



construct a vending zone.

6. Another letter dated 07.05.2026 has been issued by the Ministry of Home Affairs to the District Magistrate, Khagaria relating to deployment of officers for joint measurement and demarcation process under Khagaria district and the contention is that a decision shall be taken at an earliest.

7. So far as the petitioners are concerned, he owns a showroom and unless the same is closed in accordance with law, they are entitled for space so that the vehicles enter/exit the said showroom, regarding the 724 encroachers who were marked, this Court expects that whenever vending zone is constructed, if they fulfill all the requirements, they shall be given preference as the document shows that on 27.01.2026, it has been declared encroachment free area.

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

(Rajiv Roy, J)

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