

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5859 of 2026

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Azad Kumar S/o- Lakhan Garai, R/o- Dhamauli, Murgawan, P.S- Islampur,
District- Nalanda, State Bihar. 801303.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The District Magistrate, Nalanda, Bihar.
4. The Land Acquisition Officer, District Nalanda.
5. The Additional Collector, Nalanda.
6. The Deputy Collector, Land Reforms, Nalanda.
7. The Executive Engineer, Hilsa, Nalanda.
8. The Circle officer, Ismlampur, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan, Advocate
For the State	:	Mr. Government Pleader (07)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-07-2026 Heard Mr. Shambhu Sharan, learned counsel for the

petitioner and Ms. Roona, learned counsel representing the

State.

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

*“(i) for the issuance of an appropriate writ,
order or direction, including a writ in the nature
of Mandamus, commanding the Respondent
Authorities to reconsider and suitably modify or*



marginally divert the proposed alignment of the "Islampur Bypass" road in such a manner that the petitioner's sole residential house is not demolished, particularly when viable alternative alignment through adjoining agricultural land is available;

(ii) for the issuance of an appropriate writ, order or direction, directing that in the event the proposed alignment is not modified and the petitioner's residential house is required to be demolished, the Respondent Authorities be commanded to grant full, fair and lawful compensation strictly in accordance with the provisions of the Act of 2013, including correct determination of market value with applicable multiplier, valuation of the entire residential structure and attached assets on replacement cost basis, payment of 100% solatium, and all admissible statutory benefits;

(iii) for issuance of a further writ in the nature of Mandamus directing the Respondents to extend to the petitioner all



statutory rehabilitation and resettlement benefits under Section 31 read with the Second Schedule of the Act, including provision of a constructed residential house or adequate financial assistance sufficient for construction of an alternative dwelling house;

(iv) for issuance of a writ, order or direction directing the Respondents to conduct a fresh and independent technical valuation of the petitioner's residential structure, borewell, hand pump and other permanent constructions through a competent authority;

(v) for issuance of an interim order restraining the Respondents from demolishing the petitioner's sole residential house without first ensuring payment of full, fair and lawful compensation along with statutory rehabilitation benefits;

(vi) and for passing such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”



3. The details of the land stands recorded in paragraph no.4 as under:

*“Khata No.22, Khesra No. 807
(corresponding Plot No. 1013/807, Thana No.97
Mauza-Dhamauli, District-Nalanda.”*

4. The aforesaid land has been acquired for the purpose of proposed alignment of Islampur Bypass Road.

5. The contention is that the though the entire area should have been declared residential, only the part where the structure was existing has been declared residential while others have been shown to be agricultural.

6. Learned State counsel armed with the counter affidavit filed on behalf of the District Land Acquisition Officer, Nalanda submits that an award has been prepared, petitioner was repeatedly asked to present his credentials so that the payment could be made but he failed to do so. Further, if he has any grievance, appropriate superior authority are there, where he can agitate the same.

7. At this stage, learned counsel for the petitioner submits that reserving his right to challenge the category of the land, he is ready to take the compensation amount and would be presenting himself before the District Land Acquisition Officer,



Nalanda on 20.07.2026 at 11 AM.

8. Having recorded all the facts, accepting the words of both the parties, let the petitioner appear before the concerned officer (District Land Acquisition Officer, Nalanda at Biharsharif) on 20.07.2026 at 11 AM alongwith all his documents whereafter the said officer shall be free to fix date to convince himself about the genuineness of the claim of the petitioner over the land and if the documents are found in order, the payment has to be made within a period of fortnight from the date the District Land Acquisition Officer, Nalanda comes to a conclusion that the petitioner is entitled to the compensation.

9. The petitioner is free to agitate the matter before the superior authority so far as the categorization of the land is concerned.

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

(Rajiv Roy, J)

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