

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10487 of 2021

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1. Md. Mujtaba son of Md. Zahir, Mukhiya of Gram Panchayat Raj Mahiuddinpur Rajwa. resident of village - Mahiuddinpur Rajwa, P.S. - N.H. Bangra, Tajpur, District- Samastipur.
 2. Bhanu Pratap Sah son of Ramswarth Sah Sarpanch of Gram Panchayat Raj Mahiuddinpur Rajwa. resident of village - Mahiuddinpur Rajwa, P.S. - N.H. Bangra, Tajpur, District- Samastipur.
 3. Raushan Ara Jafri wife of Manzer Jafri Mukhiya of Gram panchayat Raj Shahpur Baghauni, resident of village - Shahpur Baghauni, P.S. - Waini O.P. Tajpur, District- Samastipur.
 4. Nazra Perween wife of Abdullah Sarpanch of Gram Panchayat Raj Shahpur Baghauni. resident of village - Shahpur Baghauni, P.S. - Waini O.P. Tajpur, District- Samastipur.
 5. Md. Sohail Ahmad son of Md. Anam Uddin Convener Religious Place Protection Committee, Gram Panchayat Raj Shahpur Baghauni. resident of village - Shahpur Baghauni, P.S. - Waini O.P. Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and Highways Department, New Delhi- 110001.
2. The Project Director, National Highway Authority of India, (N.H.A.I), Bharat Mala Pariyojna, Hajipur - Darbhanga Section having office at Muzaffarpur.
3. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
4. The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
5. The Additional Chief Secretary- cum- Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
6. The Commissioner, Darbhanga Division, Darbhanga.
7. The District Magistrate- cum- Collector, Samastipur.
8. The Sub-Divisional Officer, Samastipur.
9. The District land Acquisition Officer, Samastipur.

10. The Block Development Officer, Tajpur, District- Samastipur.
11. The Circle Officer, Tajpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Shamimul Hoda, Advocate Mr. Anuj Kumar, Advocate
For the Respondent/s	:	Mr. Sayid Salim Khan, Sr. Advocate (SC 25) Mr. Manoj Kumar Sinha, AC to SC 19
For the NHAI	:	Dr. Maurya Vijay Chandra, Advocate Mr. Sriram Krishana, Advocate Ms. Preety Ranjan, Advocate Mr. Shashank Shekhar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
CAV JUDGMENT

Date: 19-02-2026

1. The petitioners are residents of village Mahiuddinpur Rajwa and Shahpur Baghauni, who have invoked Constitutional Writ Jurisdiction of this Court, claiming the following reliefs:-

“A) For issuance of appropriate writ/writs, order/orders, direction/ directions commanding the respondents to partially change the proposed route of Hajipur Darbhanga Section of Bharat Mala Pariyojna at villages Mahiuddinpur Rajwa and Shahpur Baghauni of Tajpur Block, District-Samastipur by diverting it from outside the village by creating a bypass, so as to save at least three mosques, three burying grounds, one cremation ghat and more than 150 residential houses of the petitioners and others of said villages Mahuddinpur Rajwa and Shahpur

Baghauni, which is coming in the proposed route of said project as notified by the Ministry of Road Transport and Highways, Union of India, vide the extra ordinary gazette of India notification dated 5.1.2021 published in local news papers on 9.1.2021 declaring the intention of the Central Govt. to acquire such lands for the purpose of construction of Hajipur-Darbhanga Section of said project.

B) For issuance of a writ of mandamus directing the respondents particularly the notified competent authority i.e. District Land Acquisition Officer, Samastipur (respondent no-9) and the District Magistrate, Samastipur (respondent no-7) to decide the objections raised by the petitioners and other villagers under section 3(C) (1) of the National Highways Act, 1956 at the earliest and further not to proceed with the acquisition proceeding unless the objections raised by the petitioners and other villagers are decided in accordance with law per the mandate of section 3(c) of the said act.

C) For any other relief/reliefs to which the petitioners and similarly situated other villagers having interest in the said proposed acquisition of their land for the purpose of said project are found entitled under the facts and circumstances of the present case.”

2. It is pertinent to mention, at the outset, that the

Petitioner No. 1 did not want to proceed with the instant writ petition and he sought for deletion of his name from the array of the petitioners. Such prayer was allowed vide order, dated 16.02.2026 and on 17.02.2026 the argument was heard.

3. It is the case of the petitioners that by virtue of notification, dated 5th of January, 2021, published in the extraordinary gazette of India, the Central Government, in exercise of its powers conferred under Section 3 (A) (1) of the National Highways Act, 1956, declared its intention to acquire land, mentioned in the schedule of the said notification, coming in the stretch of kilometers 32 to 65 in the District of Samastipur for the purpose of building, maintenance, management and operation of Hajipur-Darbhanga Section under Bharat Mala Pariyojana of the National Highway Authority of India. The said notification was published in the local newspapers “The Times of India and The Hindustan” on 9th of January, 2021. The petitioners and there co-villagers came to know through paper publication about the said notification and notice that there are three mosques, three burial grounds, one cremation Ghat and more 150 residential houses of the petitioners and others of the above-mentioned two villages coming within the land notified for acquisition

under the above-mentioned provisions of the National Highways Act, 1956. In order to protect their interests, the petitioners and other local villagers constituted a committee under the name and style of Religious Place Protection Committee, Gram Panchayat Raj, Shahpur Baghauni, electing the Petitioner No. 5 as the convener of the said committee. The petitioners and many other villagers personally met the officers of the State Government as well as the National Highways and raised their objections and grievances against the proposed route of the said project and also suggested an alternative route bypassing the densely populated area through the fields of the same village and submitted a detailed map indicating the alternative route. It was also contended that if the crossing of proposed Hajipur-Darbhanga Section of the said national highway project is shifted just 200 meters west towards Tajpur-Muzaffarpur road, the vast population of both the villages could be saved, and the place of worship and the burial grounds could also be protected.

4. It is stated by the petitioners that they along with co-villages had also met the Minister of the locality; District Magistrate, Samastipur; Land Acquisition Officer, Samastipur; and the Project Director, Highway Authority of India. They

also submitted a written objection to the Project Director, NHAI on 29th of January, 2021.

5. The petitioners also contended that prior to the gazette notification, dated 5th of January, 2021, a Manual of Guidelines on the Land Acquisition for National Highways was published by the Government of India in December, 2018. The guidelines say that at the time of preparation of DPR and planning the alignment, due care and diligence would be taken to avoid number of hindrances faced during the course of implementation of NHAI Project. The said guidelines published by the Ministry of Road, Transport and Highways, Government of India were not followed in the instant case. The notification issued by the Central Government proposed acquisition of densely populated land and if such notification is adhered to, the Central Government will have to incur huge expenditure on compensation in comparison to the alternative route suggested by the villagers. Pursuant to the said objection filed by the petitioners and other villagers, the office of the District Administration headed by the Circle Officer of the Tajpur-cum-BDO visited the proposed notified sight and the alternative route suggested by the villages and they verbally assured for redressal of their

grievances. Subsequently, series of objection were filed before the Land Acquisition Officer, Samastipur by the villagers in order to protect their residential houses and religious structures. A delegation of villagers personally met the District Magistrate, Samastipur on 23rd of March, 2021 and reiterated their objections. The District Magistrate and the Project Director, NHAI visited the site of notified alignment of the proposed route passing through densely populated area of both the villages and also the alternative route alignment site suggested by the villagers, subsequently. However, no effective result was achieved by the villagers which prompted them to file the instant writ petition.

6. The Respondent No. 2, the Project Director, Project Implementation Unit “PIU” Muzzafurpur, NHAI has filed a counter affidavit denying all the material allegations made out in the writ petition.

7. It is submitted by the Respondent No. 2 that the land in Mauza Mohiuddinpur Rajwa and Shahpur Baghauni, admeasuring an area 6.1594 Ha in Mohiunddinpur Rajwa & 4.6484 Ha in Shahpur Baghauni, was acquired in the project of Amas-Darbhangha, PKG-III (Kalyanpur to Balbhadarapur Section of NH – 119-D). In relation to the land acquired in

Mauza Mohiuddinpur Rajwa & Shahpur Baghauni in the District of Samastipur, notification under Section 3 (A) of the National Highways Act, 1956 was published in the extraordinary gazette of India on 5th of January, 2021 and further notification under Section 3 (D) of the NHAI Act was published on 10th of May, 2021. The land in question in the said two Mauzas has been acquired for the project of Construction of Four Lane Access Controlled Greenfield National Highway (NH-119D) under Bharatmala Pariyojana from village Kalyanpur to village Balbhadarupr (Amas-Darbhangha) Package-III in the State of Bihar on Hybrid Annuity Mode.

8. The Respondent No. 2 further states that in the land acquisition process, area of 6.1594 Ha in Mohiddinpur Rajwa village and 4.6484 HA in Shahpur Baghaurni village have been acquired.

9. The Respondent No. 2 further states that preparation of DPR and alignment process is highly technical job, involving vast knowledge and expertise in the field of Highway Development and Maintenance. After examination of land in the area and thorough technical study by M/s SA Infra Structure Consultant Pvt. Ltd., which is a qualified and

dignified consultant, the land in question has been acquired.

9. It is also submitted that land possession certificate had already been handed over to the NHAI by the State Government on 7th of April, 2022, for Shahpur Baghauni and on 13th of May, 2022 for Mohiddinpur Rajwa. The compensation amount of 14 Mauzas, including Mohiuddinpur Rajawa and Shahpur Baghauni has already approved and deposited with CALA, Samastipur. Notice was served upon the land holders of the said two Mauzas for receiving compensation. The project in question has already been awarded to the concessionaire M/s MEIL Kalyanpur Roadways Pvt. Ltd. on 30th of March, 2022 and construction activity on the alignment has already been started since 16th of February, 2023. Therefore, it is not possible for the NHAI to change the alignment of the highways as claimed by the petitioners.

10. This Court has heard the learned Advocate on behalf of the petitioners and the learned Advocate appearing on behalf of NHAI.

11. It is pertinent to mention here that the State Government has not filed any counter affidavit in the instant case.

12. Section 3(A) of the National Highways Act, 1956 deals with the power to acquire land, etc. The provisions runs thus:-

“3-A. Power to acquire land, etc.-

(1) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(2) Every notification under sub-section (1) shall give a brief description of the land.

3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.”

13. Section 3 (C) of the National Highways Act, 1956 prescribes the procedure of hearing of objections. The said provision runs thus:-

“3-C. Hearing of objections.-

(1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2) Every objection under sub-section (1)

shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.-For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961). final.

(3) Any order made by the competent authority under sub-section (2) shall be final."

14. A plain reading of Section 3(C) of the National Highways Act, 1956 suggests that sub-section 1 of Section 3(C) gives an opportunity to any person interested in the land to raise objection to the use of the land for the purpose or purposes mentioned in that sub-section within 21 days from the date of publication of the notification under sub-section (1) of Section 3(A). Therefore, the petitioners required to submit their objection within 21 days from the date of publication of notification under sub-section (1) of Section 3 (A). Section 3(C)(1) consciously did not give opportunity to any aggrieved person to raise objection against the publication

of notification within stipulated period of time from the date of publication of “substance of notification” in the daily newspapers.

15. In the instant case, the notification was published in the official gazette on 5th of January, 2021. Therefore, petitioners could have filed the objection within 21 days of publication of the notification in the official gazette commencing from 6th of January, 2021, thus, the period of limitation extended till 27th of January, 2021 in respect of filing of the objection. The petitioners relying on Annexure 2 as the initial objection against the notification for acquisition which was allegedly received on 29th of January, 2021, i.e., after the expiry of the period of limitation.

16. In view of such circumstances, the objection, i.e., Annexure 2 and subsequent objections, i.e., Annexure 4 purported to made under Section 3 (C) (1) of the National Highways Act, 1956 is barred by limitation.

17. When this Court finds that the objection is barred by limitation, it seems to be futile attempt to discuss the case on merit.

18. For the reasons stated above, the written objection allegedly filed under Section 3 (C) (1) of the

National Highways Act, 1956, being barred by limitation, the petitioners cannot get any relief in the instant writ petition.

19. The writ petition is, accordingly, dismissed, on contest.

20. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

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AFR/NAFR	NAFR
CAV DATE	17/02/2026
Uploading Date	19/02/2026
Transmission Date	N/A