

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7147 of 2026

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Jamil Akhtar son of Muhammad Idrish, resident of ward no. 4, Churipatti,
P.O. and P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Project Director, National Highway Authority of India New Delhi.
3. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
4. District Collector, Kishanganj, District- Kishanganj.
5. District Land Acquisition Officer, Kishanganj, District- Kishanganj.
6. Circle Officer, Kishanganj, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mohammad Tahmeed Helal, Advocate
For the Respondent/s	:	Mr.Madan Mohan, AC to SC-5
For the UOI	:	Smt. Shweata Verma, Advocate
		Mr. Rajni Kant Singh, Advocate
For NHAI	:	Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate
		Ms. Anuradh Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-07-2026 Heard the parties.

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

*(i) for direction to the respondent to pay
compensation of rupees thirty-two lakh
eleven thousand five hundred and eighty-
eight (32,11,588/-) with permissible interest
as per order issued in Acquisition Case No.*



22-29/2022, in memo no. 6296 dated 20-07-2023 by the respondent no. 5, competent authority cum District Land Acquisition Officer, Kishanganj;

(ii) also direct the respondent to pay the compensation and award solatium amount of the acquired land situated at mauza-Khagra, Thana no. 57, Plot 243 (RS-322), area-0.1677 hectare;

(iii) for further direction to the Respondents to pay statutory interest on the aforesaid compensation amount at the rate of 9% per annum from the date of taking possession until the expiry of one year, and thereafter at the rate of 15% per annum until the date of actual payment, as mandated under section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

(iv) grant any other relief(s) as petitioners are entitled in the facts and circumstances stated in this writ application.



3. Paragraphs 10 and 11 of the counter affidavit filed on behalf of the respondent nos. 04 to 06 duly signed by the Revenue Officer, Kishanganj recorded as under:

10. that it is most humbly and respectfully stated and submitted that the brief history of this case is that writ petitioner has a piece of land appertaining to Khata no. 309, R.S, plot no. 380,377 /total area 0.0052 acres situated in Mauza Khagara, Thana No. 57, Anchal Kishanganj, Halka- Nagar Panchayat, Kishanganj by virtue of registered sale deed no. 5552 dated-29.07.2009 for which a Jamabandi no. 2257 is running on his name;

11. that it is most humbly and respectfully stated and submitted that land appertaining to Khata no. 309, R.S. plot no. 380,377 total area 0.0052 acres situated in Mauza Khagara, Thana No. 57, Anchal-Kishanganj,



Halka Nagar Panchayat, Kishanganj has not acquired, hence no any question of payment of compensation of land in question by Respondent no-05 The District Land Acquisition Officer, Kishanganj arises at all. It is most humbly and respectfully stated and submitted that land of writ petitioner appertaining to Khata no. 309, R.S. plot no. 380,377 total area 0.0052 acres situated in Mauza Khagara, Thana No. 57, Anchal-Kishanganj, Halka- Nagar Panchayat, Kishanganj has been measured by the Anchal Amin, Kishanganj and handed over to him.

4. Learned counsel for the petitioner submits that when they acknowledged that it has not been acquired, they are duty bound to hand it over to them.

5. Learned counsel for the State submits that when the land has not been acquired, the respondents shall see to it that the concerned land is handed over to the petitioner.



6. The entire exercise is to be completed in next eight weeks.

7. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

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