

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7996 of 2026**

Subhanti Devi W/o Dinanath Dubey, Resident of Mohalla - Company Saray,  
Rauza Road No. - 1, Ward No. - 12, P.S. - Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The Arbitrator - Cum Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The General Manager - Cum Project Director, National Highway Authority of India, Project Office, Varanasi.
5. The Project Manager (Technical) National Highway Authority, Project Office, Varansi.
6. The Competent Authority Cum District land Acquisition Officer, Rohtas at Sasaram.
7. The Circle Officer, Sheosagar, Rohtas.

... .. Respondent/s

**Appearance :**

|                      |   |                                                             |
|----------------------|---|-------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sanjay Kumar Tiwary, Adv.<br>Mr. Abhijit Prabhat, Adv.  |
| For the State        | : | Mrs. Anuradha Singh, SC-21                                  |
| For the NHAI         | : | Dr. Anand Kumar, AC to SC-21<br>Ms. Tooba Hera, AC to SC-21 |

**CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH**  
**ORAL JUDGMENT**

**Date : 30-06-2026**

Heard learned counsel for the respective parties.

2. The defect(s) as pointed out by the Stamp Reporter stands ignored.

3. By filing the present writ petition petitioner has prayed for two fold reliefs:-

*“i) For setting aside the impugned order dated 11.02.2026 passed in Civil Misc. No. 62 of 2021 by learned Court of District Judge-II of Rohtas at*



*Sasaram where by the award/order dated 02.09.2021 passed by the Arbitrator Cum Divisional Commissioner, Patna Division Patna, and in relation to the Award dated 30.07.2018 passed by the learned respondent District Land Acquisition officer Rohtas at Sasaram in Case No. 17 of 2016-17 has illegally has been said to be not maintainable and dismissed; and*  
*ii) Also for setting aside the impugned Award dated 02.09.2021 passed by the learned arbitrator cum divisional commissioner Patna Division against award dated 30.07.2018 passed by District Land Acquisition, Rohtas at Sasaram in Land Acquisition Officer Case No. - -17 17 of of 2016-17 2016-17.”*

4. Further the petitioner grievance appears to be on account of acquisition of his land without serving notice to the petitioner so as to enable him to file objection under Section 5A of the Act and also he has not been given any opportunity to place his documentary evidence in support of his claim with respect to the nature of land in question, which he claims to be of commercial value. Thus, he submitted that the entire award vitiates on account of being an outcome of non-application of mind and since it has been passed without considering the relevant facts supported with documentary evidence. At this



stage, it is relevant to give the details of the land which has been the centre of dispute :- 210 Square Meter of land situated in Mauza - Mor, Thana No. 92, Plot No. 991, Khata No. 58 under Sheosagar Police Station, Rohtas.

5. It has been pointed out that at the time of acquisition the petitioner has filed an application on 01.12.2015 before the District Land Acquisition Officer, Rohtas praying therein to prepare the award with respect to the acquired land of the petitioner, keeping in mind the commercial nature of land, but that has grossly been ignored by the District Land Acquisition Officer. Thereafter he claims and alleged the award to be an *ex-parte* one which is alleged to have been prepared at his back without giving proper opportunity of hearing.

6. As evident from the records that the petitioner assailed the aforesaid award by filing an arbitration case before the Divisional Commissioner, Patna-cum-Arbitrator vide Arbitration Case No. 9 of 1990 which has been dismissed on 02.09.2021 without considering any of his grounds and documents. The aforesaid order of the Divisional Commissioner was challenged by the petitioner in terms of Section 34 of the Arbitration and Conciliation Act, 1996 well within time before the learned District Judge vide Civil Miscellaneous No. 62 of



2021, but the same was also dismissed vide order dated 11.02.21 by learned District Judge-II, Rohtas, relying on the R.S. Khatian prepared in the year 1971 showing the aforesaid land of the petitioner as agricultural one.

7. Learned counsel for the State specifically points out that the present writ application is thoroughly misconceived as the petitioner having availed various forums and having lost his case from all the forums, have approached this Court under writ jurisdiction to agitate the disputed question of fact which can never be decided in the writ jurisdiction.

8. Having heard the argument submitted on behalf of the respective parties and on perusal of the documents available on record, it is manifestly evident that main grievance of the petitioner is with respect to inadequate compensation amount on account of his land being agricultural in nature in the records of the revenue authorities, though the petitioner claim his land to be of commercial nature, but in support thereof, he has not produced any document in order to persuade and convince the authorities with respect to the true nature of land. Even in the entire writ application petitioner has not enclosed any document showing or evincing that this piece of land on which he is claiming compensation of the commercial value could be



corroborated.

9. Inadequacy of compensation cannot directly be agitated before this Court under writ jurisdiction as there has been a specific statutory provision provided under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner has a remedy, a statutory one, for waging and agitating his grievances before the competent authority for making reference to the appropriate authority under Section 64 of the Act (*supra*). Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 lays down :-

***“64. Reference to Authority.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:***

*Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:*

*Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it*



*to direct the Collector to make the reference to it within a period of thirty days."*

*"(2) The application shall state the grounds on which objection to the award's taken:*

*Provided that every such application shall be made-*

*(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award:*

*(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award whichever period shall first expire:*

*Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."*

10. Proviso to the Section 64 makes it amply clear that the Collector is duty bound to make a reference to the appropriate Authority within a period of 30 days from the date of receipt of such an application.

11. At this stage it would be profitable to quote Section 60 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 :-

***"60. Powers of Authority and***



***procedure before it.***-(1) *The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:-*

(a) *summoning and enforcing the attendance of any person and examining him on oath.*

(b) *discovery and production of any document or other material object producible as evidence;*

(c) *receiving evidence on affidavits;*

(d) *requisitioning of any public record;*

(e) *issuing commission for the examination of witnesses;*

(f) *reviewing its decisions, directions and orders;*

(g) *any other matter which may be prescribed.*

(2) *The Authority shall have original jurisdiction to adjudicate upon every reference made to it under Section 64.*

(3) *The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.*



*(4) The Authority shall, after receiving reference under Section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.*

*(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.”*

12. At this stage learned counsel for the petitioner submits and prays that he may be allowed to approach the Collector for making reference under Section 64 of the Act (*supra*).

13. In this backdrop, the petitioner is given liberty to file an appropriate application before the concerned Authority i.e. the Collector, Lakhisarai under Section 64 of the Act (*supra*) for making a reference to the appropriate Authority for deciding the claim of the petitioner with respect to the payment of compensation for land which he is claiming to be of commercial in nature.

14. The petitioner may file such an application within



three weeks henceforth supporting his claims with relevant documents so that the Collector, Lakhisarai may refer the matter to the appropriate authority for deciding the claim of the petitioner regarding commercial nature of the land and this entire process must be concluded within the period of nine months from the date of receipt/production of the copy of this order.

15. This writ application is disposed of in the aforesaid terms.

**(Rana Vikram Singh, J)**

Supratim/-

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