

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9934 of 2026

M/s. Gajendra Hume Pipe Through its Proprietor, Nimit Akhouri, Gender - male aged about - 53 Years, S/o - Late Akhouri Jaideo Narayan Sinha, R/o Gajendra Puri, Garden of God School, Golamber Buxar, Bihar - 802101.

... .. Petitioner/s

Versus

1. The Union of India, Through the Secretary, Ministry of Road Transport and Highways, Transport Bhawan, 1, Parliament Street, New Delhi-110001.
2. The National Highways Authority of India, Through its Chairman, G-5 and 6, Sector-10, Dwarka, New Delhi - 110075
3. The Project Director, NHAI, Project Implementation Unit - Patna, Block-B, Ground Floor, G-3 and 4, Vivekanand Marg, Boring Rd, Patna, Bihar 800013
4. The Divisional Commissioner, Patna Division, West of Gandhi Maidan, Near Golghar, Patna, Bihar - 800001.
5. The District Magistrate-cum-Collector, P.O - Buxar, Dist.- Buxar, Bihar-802101.
6. The District Land Acquisition Officer, CollectorateBuxar, DM Office, RTO Office, Buxar, Bihar - 802101.
7. The Bihar Industrial Area Development Authority (BIADA), UdyogBhawan, Gandhi Maidan, Patna through its Managing Director.
8. The Managing Director, Bihar Industrial Area Development Authority (BIADA), UdyogBhawan, Gandhi Maidan, Patna.
9. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Patna.
10. The Executive Director, North, Bihar Industrial Area Development Authority (BIADA), Patna.
11. The Deputy General Manager, Bihta Cluster, Bihar Industrial Area Development Authority (BIADA), Bihta, Patna.
12. The Area Incharge, Bihar Industrial Area Development Authority (BIADA) Industrial Area- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sachin Kumar, Advocate Ms. Kumari Samridhi Pandey, Advocate
For the State	:	GP-5
For union of India	:	Mr. Madan Kumar, senior central gov. council Ms. Dipti Divya, central gov. council
For the NHAI	:	Mr. Saket Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

3 27-07-2026 Heard Mr. Sachin Kumar, learned counsel for the petitioner, Mr. Prashant Pratap representing Bihar Industrial Area Development Authority (henceforth for short 'the BIADA'), learned counsel representing the Union of India and learned counsel representing the NHAI.

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

(i) for issuing the writ of mandamus and directing the Respondent no. 3 to stay the operation of the letter dated 31.05.2026 wherein a notice has been received to the Petitioner to remove the unauthorized occupation as a 4-laning of Bhojpur to Buxar Section from 27.370KM to 75.000KM of NH-84 is to be constructed as the premises against which the Authorities have issued the notice is itself been sealed by the BIADA Authorities which is against their power and jurisdiction.

(ii) for directing the BIADA



Authorities to unseal the premises immediately in order to take necessary action and to remove the construction/structure as per the instructions of NHAI/Highway administration and also to process with the pillar marking, demarcation and site verification in order to get the clarity over the land of BIADA and the land of NHAI.

(iii) for considering the fact that BIADA have illegally put a lock upon the premises which is not within the area of the industrial unit attracting the violation and misuse of power which is sans jurisdiction and against the basic tenants of law.

(iv) for considering the fact that the Petitioner is a victim of the High hardness performed by the BIADA as since 2014 the process of transfer by the BIADA has not been



completed which resulted into the present action performed by the NHAI as the Petitioner was unaware about the actual area been transferred to the Petitioner.

(v) for maintaining Status quo in respect to the Land in question till the appropriate measures has been taken by the BIADA Authorities in De-sealing and providing a proper map lane to the Petitioner against which he has deposited the transfer fees.

3. The matter relates to a piece of land, the details of which are as under:

Plot No. B-6(P)

Survey Plot No. 1895(P), 1896(P) and 1905(P)

4. It was allotted to the petitioner (M/s. Gajendra Hume Pipe) by 'the BIADA', Buxar. Later, as the story unfolds due to dispute, it now stands sealed on 03.09.2024 after the allotment was cancelled due to non-production of /////.

5. The petitioner has preferred CWJC No. 5573 of 2025 against the said cancellation. In the meantime, now the



petitioner has been issued notice by the NHAI on 31.05.2026 asking them to remove unauthorized/illegal occupation of the NHAI land.

6. The petitioner though chose not to reply to the said notice, on 31.05.2026, the Managing Director, BIADA was informed that seems the unit stands sealed by the BIADA, appropriate steps be taken so that the alleged encroachment be removed.

7. The counter affidavit has come on behalf of 'the BIADA' and paragraph 23 read as under:

24. That it is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the Respondent-NHAI and Respondent-BIADA to conduct a joint physical measurement and survey of the subject premises through a government Amin in the presence of the concerned Circle Officer and the Petitioner to conclusively determine the area under encroachment, with a further direction to NHAI to remove the said encroachment with the assistance of adequate police force under



the supervision of a designated Executive Magistrate; and furthermore, to direct Respondent-BIADA to co-operate in temporarily unsealing the premises to permit the removal of goods, subject to preparing a inventory list with a copy handed over to the Petitioner, while granting liberty to BIADA to completely re-seal the premises immediately thereafter and take photographs and videography of the entire procedure.

8. The learned counsel for the petitioner, the learned counsel representing the BIADA as also learned counsel for the NHAI jointly submit that a date be fixed when the parties shall be remain present at the unit along with the local Circle Officer/Amin so that the illegal occupation be marked and appropriate steps be taken for its removal.

9. In that background, with the consent of parties the date is fixed as 1st August, 2026 at 11:00 AM when all the parties shall remain present and it is expected that once the illegal occupation part is marked, they shall cooperate in removal of the same. The parties have undertaken to inform their respective clients in this regard. Since it is a NHAI product



the entire exercise leading to the encroachment be concluded within a period of four weeks.

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

(Rajiv Roy, J)

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