

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18013 of 2021

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1. Dr. Alok Kumar Singh Son of Abanindra Mohan Singh, resident of Pokhar Malda, Police Station Barbigaha, District Sheikhpura at present Radha Rani Sinha Road, P.S. Aadampur, District-Bhagalpur.
 2. Dr. Madhvi Singh, Wife of Dr. Alok Kumar Singh, resident of Pokhar Malda, Police Station Barbigaha, District Sheikhpura at present Radha Rani Sinha Road, P.S. Aadampur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and Highways, Government of India, New Delhi.
2. National Highway Authority of India through its Chairman, New Delhi.
3. The Managing Director (Technical) cum Unit Project Manager, Department, Bihar, Patna Office of Secretariat, Patna.
4. The District Magistrate, Bhagalpur, District-Bhagalpur.
5. The District Collector Land Reforms, Nath Nagar, District-Bhagalpur.
6. Land Acquisition Officer, Bhagalpur.
7. The Circle Officer, Block-Nathnagar, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Vikram Singh, Advocate
For the Respondent/s	:	Dr. Anand Kumar, Advocate Ms. Tooba Hera, Advocate Mr. Asif Khan, Advocate Mr. Ramadhar Shekhar, CGC

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 31-03-2026

Heard Mr. N.K. Agarwal, learned senior counsel assisted by Mr. Vikram Singh, learned counsel for the petitioners, Dr. Anand Kumar, learned counsel for the NHAI, Learned AC to AAG-12 on behalf of the State and Mr. Ramadhar Shekhar, learned CGC for the Union of India.



2. The petitioners have prayed for the following reliefs:

“(i) For, issuance of appropriate writ/order/direction commanding the Respondents after quashing of the notification under section-3A of the National Highway, Act 1956 referred herein after NHAI, ACT published in the Hindustan Times, (Newspaper) dated 25.07.2019 relating to the land at Serial No. 126, 130 and 132 being vaguely described having no Khata Nos as well as without any other mode of identification of those land denying the petitioners being the owner/last purchasers to file his objection before the Respondents under section 3(C) of the NHAI, Act.

(ii) For, issuance of appropriate writ/order/direction commanding the Respondents to consider/ make further enquiry/revise proposal relating minor realignment/deviation of the widening of the Road in question over the land of the petitioners as the Respondents have made minor realignment/deviation of the proposed four lane road relating to one local DARGAH falls between the proposed four lane road in view of huge investment made by the petitioners for establishment of SUPERSPECIALITY HOSPITAL AS WELL AS TRAUMA CENTRE which is only Hospital proposed to be established within the radius of District Munger/Bhagalpur/Godda/Purnea/Deoghar/Dumka and other District for



which the petitioners have purchased the aforesaid land for noble cause also for which project report has already been prepared much prior to aforesaid notification dated 27.05.2019.

(iii) For, issuance of appropriate writ/order/direction commanding the Respondents comply the comprehensive revised guidelines issued in suppression of all earlier guidelines to the subject dated 28.12.2017 particularly relating to compensation payable to the land-owners in its letter and spirit having the force of law.

(iv) For, issuance of appropriate writ/order/direction quashing the notice U/s 37(2) of the NHAI Act passing of the order in BHU WAD case no.-32/2019-20 without hearing the petitioner as well as without complying the aforesaid comprehensive guidelines dt. 28.12.2017

(v) Any other relief/reliefs as your Lordship may deems fit and proper in the facts and circumstances in the instant writ application.”

3. Learned Senior counsel for the petitioners submits that the petitioners are primarily aggrieved by the fact that the acquisition of the lands of the petitioners has been done behind their back and no proper notice was served upon the petitioners. They are further aggrieved that the land, which has been acquired for construction of the road, was meant for establishing a Superspeciality hospital as well as trauma centre, however, the



said noble cause is being frustrated because of the said project and no land in lieu thereof is being provided to the petitioners. It has further been submitted that the compensation payable to the landowners/petitioners has not been made as per the revised guidelines and, therefore, the petitioners should be suitably compensated.

4. Learned Senior counsel for the petitioners lastly submits that the petitioners had also filed an interlocutory application for a direction upon the NHAI not to carry out any fresh construction till the dispute with regard to the actual land being taken under acquisition is decided.

5. Learned counsel appearing on behalf of the NHAI submits that as far as the grievance of the petitioners that no notice has been served, the same gets falsified on account of the fact that a proper notification was issued in the daily newspapers, which carried the name of the village (mauza) as well as the plot numbers of the land, which was purposed to be acquired and therefore, the contention of non-service of notice cannot be accepted. It has further been submitted that even going by the representation filed on behalf of the petitioners, it would be evident that they approached the authorities after more than one year and in the meantime, the awards were prepared



with respect to 35 decimals of land. It has been vehemently submitted by the learned counsel for the NHAI that the grievance of the petitioners ought to have been raised under Section 3G (5) of the NHAI Act and a writ petition for the same is not maintainable.

6. Learned counsel for the NHAI, though, submits that as far as the factual dispute with regard to the actual land of the petitioners having been acquired by the NHAI for construction of such road is concerned, it can only be answered once the physical spot verification of the land in question is measured and a proper map is prepared and such grievance cannot be decided in a writ proceeding. It has, thus, been submitted that the present writ petition may be disposed off with a direction to the Revenue Authority to carry out the actual physical examination of the land of the petitioners and the land acquired under the said acquisition proceedings and the same be demarcated in order to settle the dispute forever.

7. Learned Senior counsel for the petitioners does not oppose such proposal, however, he prays that liberty may be granted to the petitioners to approach this Court again, if the grievances are not settled. He further submits that after the aforesaid measurement a categorical finding with a reasoned



order be passed by the Authority within a certain time frame.

8. In view of such categorical submissions by the parties, the writ petition is disposed off with a direction to the respondent no.4, the District Magistrate, Bhagalpur to get the lands of the petitioners measured and demarcated, certifying the areas of the entire land of the petitioners, which has been acquired by the Government for construction of the National Highway.

9. It goes without saying that the District Magistrate shall direct the Circle Officer, respondent no.7 to issue notices to all the parties concern, including the petitioners, NHAI and the Land Acquisition Officer, Bhagalpur. The notices shall contain specific date and time of measurement and an ample time shall be granted to the parties to be present for such measurement.

10. The District Magistrate, Bhagalpur, shall pass a reasoned order taking into account the measurement report submitted by the Circle Officer along with the Narazi Naksa (map) clearly marking the lands of the petitioners which have been acquired.

11. The District Magistrate, Bhagalpur, shall clarify the total lands of the petitioners which have been acquired by



the State for the construction of the national highway and the basis of the calculation of the amount of compensation decided for being paid to the petitioners as per the acquisition of the said lands of the petitioners.

12. The District Magistrate, if finds any irregularities in the calculations, which has already been done, then a fresh order for payment to the petitioners shall be passed considering the objections of the petitioners and in consonance with the report submitted by the Circle Officer.

13. It may be pointed out that if the petitioners find that the compensation being paid to the petitioners is not correct and the petitioners are still left with any grievance then they shall be at liberty to move before the appropriate authority under the provisions of the NHAI Act and or as advised.

14. The application stands disposed off with the aforesaid observation.

(Sourendra Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2026
Transmission Date	NA

