

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13617 of 2025

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Md. Fasihullah Son of Md. Tafjul Hassan, Resident of village- Amodei, P.S. Ramgarhwa, District- East Champaran Motihari (Bihar).

... .. Petitioner/s

Versus

1. The Union of India N.H. Division Department, Govt. of India, New Delhi (N.H.A.I) through Project Director, Raxaul.
2. The Chairman National Highway Authority of India New Delhi.
3. The State of Bihar Bihar.
4. The Collector or District Magistrate, East Champaran Motihari.
5. The District Land Acquisition Officer, East Champaran Motihari.
6. The Land Acquisition Officer, East Champaran Motihari.
7. The Circle Officer Ramgarhwa Circle, East Champaran Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mani Bhushan Kumar
For the Respondent/s	:	Mr.Addl. Advocate General (04)
For UOI	:	Dr. Iti Suman, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-07-2026 Heard the parties.

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

(i) for direction to the Respondents to make payment of Compensation for acquiring land of the Petitioner for N.H. 28A according to Fair Compensation Act 2013 under section 24(2) of the Act and to issue appropriate Writ/Writs, Direction/Directions in the nature of Mandamus for directing and



commanding the Respondents No. 1 to 7 to make payment of Compensation amount to the Petitioner calculating at the Rate of current market value and on the basis of Sub Registering office for the year 2024-25 and other amounts which is permissible in Law and interest at the rate of 15% and other charges for Residential land.

3. The matter relates to acquisition of the land for National Highways 28A and the petitioner claim is that he inherited property through his ancestor and presently mutations have also been executed.

4. The details of the land is/are as follows:

(i) Thana No.68

(ii) Khata No. 264

(iii) Khesra No. 5104 and 5108

(iv) Rakba- 15.5 decimal and 19 decimal

(v) Yani 0.0630 and 0.0770

4. A counter affidavit on behalf of the respondent nos. 04 to 06 duly signed Additional District Land Acquisition Officer, East Champaran, Motihari was prepared, put on



affidavit on 20.01.2026 and copy was also served to the learned counsel for the petitioner but the original copy was never filed in the Patna High Court.

5. In the month of July, 2026, when the matter has been taken up, the office note records as under:

“no counter affidavit has been filed though reply to the counter affidavit on behalf of the petitioner has been filed”.

6. From the aforesaid office note, it is clear that the petitioner received copy but it was never filed in the office.

7. The Court Master has checked from the *website* and it also shows that no counter affidavit has been filed.

8. Accordingly, Mr. Arvind, who is clerk of the office of learned AAG-04 is required to pay Rs.500/- to the Patna High Court Legal Services Committee and the receipt has to be filed in the office by 31.07.2026.

9. This Court took the help of the counter affidavit that was handed over to the learned counsel for the petitioner and paragraphs 13 and 14 record as under:

13. That since name of the petitioner was as not there in the notification such a report was called for from the



concerned circle office, Ramgharwa by the District Land Acquisition Officer. Pursuant thereto Circle officer Ramgharwa vide its Memo No-103 dated 21-02-2025 reported that so far

plot No-5104 is concerned, in the notification name of Musan Miya was there but he transferred the land in the name of his nephew (petitioner) and accordingly mutation was also done in his name since the same fallen under his share. And so far plot no-5108 is concerned though name of Tafazzul Miya is there in the 3D (1) notification but he has transferred the land in his son's name (petitioner) and accordingly jamabandi is created in his name. It is further stated that both the persons has sworn affidavit to that extent in favour of the petitioner.

14. That though after notification



published under section 3D (1) the land is vested to the central govt, and transfer is any subsequent illegal and on the basis of the those subsequent transfer payment cannot be made to the subsequent transferee (petitioner). Replying respondents are ready to make payment to the actual raiyat. But the actual raiyat neither turned up before the replying respondents nor given any authorization letter to the petitioner to receive compensation amount on behalf of them.

10. Learned counsel for the petitioner submits that though his father is too old and unable to walk, he will be making prayer before the District Land Acquisition Officer, East Champaran, Motihari alongwith the requisite fee so that an official of the concerned office can visit his home and take the consent of his father.

11. So far as Musan Miya is concerned, he shall be accompanying the petitioner who will appear before the District Land Acquisition Officer, East Champaran, Motihari to



acknowledge the affidavit that has been executed in his favour.

12. The respondents have accepted the land of the petitioner/father/uncle that have been acquired, the affidavits are there. The petitioner is ready to ensure that the two original raiyats submit their respective consents as recorded above, in that background, once the petitioner approaches the concerned officer in next four weeks, he shall ensure that the entire process is concluded and payment is made. If the petitioner is able to satisfy with all the documents, the payment is to be made by 31.12.2026.

13. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

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