

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15574 of 2023

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Punam Kumari Wife of Sri Ramakant Kumar, Resident of Village Beldari P.O.
Musepur, P.S. Khijar Sarai, District- Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Revenue and Land Reform Govt. of Bihar, Patna.
2. The Arbitrator Cum Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate Cum Collector, Aurangabad.
4. The Competent Authority Cum District Land Acquisition Officer, Gaya.
5. The Chief Managing Director, National Highway Authority of India, Head Office Dwarka, New Delhi.
6. The Project Director, Pakai- Rajgir (Gaya), National Highway 82.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp18)
For NHAI	:	Mr. Kumar Goutam, Adv.
		Ms. Priyanshu Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-04-2026 In this case, the counter affidavit on behalf of the respondent nos 3 and 4 was filed on 14.05.2025 but the copy has been served in the Court eleven months later, today. As such, the concerned office clerk (Dhanu Prasad) shall be paying Rs. 500/- from his/her pocket to Mr. Santosh Kumar and the receipt has to be filed by Monday failing which he/she will be paying Rs. 1,000/- to him.

2. The present application has been preferred:

*in the nature of Mandamus
/Commanding and directing upon the*



concerned Respondents to pay the compensation in light of order dated 17.3. 2023 passed in Arbitration Case No. 95/2002 by the Arbitrator Cum Commission, Magadh Division Gaya whereby and where under the compensation has been enhanced by treating the land as residential and cost of boundary Wall and structure as per prevalent MVR and direction has been given to pay the same and in spite of calculation of enhanced amount and difference amount Rs. 47,26,170 vide letter no. 680/Bhu dated 20.5. 2023 no difference of compensation has been paid.

3. A counter affidavit has come on behalf of the respondent nos. 3 and 4 and the stand of the State respondent is/are incorporated in paragraph nos. 8 and 10 and read as under:

8) That the matters mentioned in the Para No. 8 of this Writ Petition is itself EVIDENT that the answering respondents have complied the Judgement dated 17/03/2023 passed by the Learned Court of Arbitrator cum Commissioner, Magadh Division, Gaya in Arbitration Case No. 95/2022 for the land, acquired in N. H. 82 project by redetermining the amount of compensation for her land under acquisition and forwarded/submitted the Calculation Sheet (3G estimate), prepared in compliance



of same Judgement dated 17/03/2023 along with the Photocopy of the said Order in Arbitration Case No. 95/202022, for the approval of payment, through Letter No. 680 dated 20/05/2023 to the Deputy General Manager (Technical) N. H. -82, BSRDCL, Gaya.

10) That for the allegations made in Para No. 15 of this writ petition is entirely baseless against these answering respondents. It is humbly submitted hereby that from the perusal of Record and even on admission of the petitioner (Punam Kumari) in this writ, the Respondent No. 4 has redetermined the amount of compensation in compliance of said Judgement passed by the Learned Court of Arbitrator cum Commissioner, Magadh Division, Gaya in Arbitration Case No. 95 /2022 and forwarded/submitted the same 3G estimate along with calculation sheet to the Deputy General Manager (Technical) N.H. 82, BSRDCL, Gaya for the approval of payment for her land under acquisition, through Letter No. 680 dated 20/05/2023.

4. Learned State Counsel submits that the ball is in the Court of the Deputy General Manager (Technical), NH-82, Bihar State Road Development Corporation Limited, Gaya, it is not in the list of respondent.



5. In the opinion of the Court, an order has been passed by the Arbitrator-cum-Divisional Commissioner, Magadh Division Gaya in the Arbitration Case No. 95 of 2022 (Punam Kumari vs Competent Authority-cum-District Land Acquisition Officer, Gaya & ors.) on 17.03.2023 whereafter, calculation-sheet has been sent to the aforesaid Deputy General Manager vide letter no. 680 dated 20.05.2023.

6. The same has not been attached with the counter affidavit, in that background and if the said order of the Divisional Commissioner, Magadh Division, Gaya has not been challenged by the appropriate authority and the payment has still not been made, the petitioner is entitled to the compensation amount as per the direction given by the Divisional Commissioner, Magadh Division Gaya .

7. In that background, the Deputy General Manager (Technical), NH-82, Bihar State Road Development Corporation Limited, Gaya is directed to look into the matter, do the needful and as recorded, if the matter is still not under litigation, to clear the amount preferably within a period of eight weeks from the date the petitioner prefers representation.

8. The aforesaid order has been passed in the background of the submissions put forward by the learned



counsel for the petitioner that payment has still not been made and the matter is not under litigation.

9. The writ petition is disposed of with aforesaid observation.

10. Let the matter come up under the heading 'To Be Mentioned' on 23.04.2026 to peruse the receipt showing fine amount which is to be paid to the learned counsel for the petitioner.

(Rajiv Roy, J)

Vijay Singh/-

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