

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18429 of 2023

=====

Upendra Kumar son of Shri Ashok Rai, resident of Village- Mirpur Bhual,
Police Station Dighwara, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Special Secretary, Road Construction Department, Bihar, Patna.
3. The Project Director, National Highway Authority of India, Patna.
4. The District Magistrate, Saran at Chhapra.
5. The Deputy Collector Land Reforms, Sonpur, District- Saran.
6. The District Land Acquisition Officer, Saran at Chhapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Akash Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Dhurjati Kr. Prasad (Gp14)
For the NHAI	:	Mr. Saket Tiwary, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2026 Heard Mr. Sameer, learned counsel for the petitioner

and Mr. Saket Tiwary duly assisted by Mr. Animesh Kumar for the

NHAI and Mr. Dhurjati Kr. Prasad for the State.

2. The present application has been preferred for the
following relief(s):

(i) For issuance of an appropriate writ directing and commanding the respondent authorities to change nature of land of petitioner as commercial land in place agricultural land.

(ii) For issuance of an appropriate writ directing and commanding the respondent authorities to make proper



calculation of the acquire land of petitioner bearing Survey Plot No. 792, area- 1.056 hectare in Mirpur Bhual Mauza of District Saran whereby the land of petitioner was commercial whereas the respondent authorities have treated it agricultural land.

(iii) For issuance of an appropriate writ directing and commanding the respondent authorities to quash the notice under section 3 G of NHAI Act, 1956 for land acquisition of construction ring road Sherpur-Dighwara whereby respondent authorities have not properly calculated compensation amount of petitioner vide Award No. 115 in Mauza- Mirpur Bhual under District- Saran (Annexure-P5).

(iv) For any other relief(s) for which the Petitioner is found entitled in the eye of law.

3. After some argument, learned counsel for the petitioner submits that he shall be approaching the Arbitrator-cum-Divisional Commissioner, Saran Division, Chapra for the redressal of the grievance but there has been delay in filing the same as he was pursuing writ petition.

4. Learned State Counsel submits that if such petition is filed, it will be taken to its logical conclusion.

5. In that background, the writ petition is disposed of



allowing the petitioner to approach the concerned respondent/Arbitrator-cum-Divisional Commissioner, Saran at Chapra in next four weeks and if such petition is preferred along with limitation petition, the concerned respondent shall see to it that the writ petition was pending before this Court for last two and half years while dealing with the petition.

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

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

