

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.430 of 2025

Ashish Dasgupta Son of Late Arun Kumar Dasgupta, Resident of Flat No.51,
Nanda Rani Palace, Jamal Road, P.S. Gandhi Maidan, Town and District
Patna, Pin-800001, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through The Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The State of Bihar, through The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Magistrate, Jamui.
5. The Chief Engineer, National Highway Wing (South), Road Construction Department, Government of Bihar, Patna.
6. The District Land Acquisition Officer, Jamui.
7. National Highway Authority of India through the Director, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Amitabh Sohan
For the S t a t e	:	Mr.Additional Solicitor General
For the Union of India	:	Mr Anwar Karim, CGC
For the N H A I	:	M/s Gaurav Govinda, Preety Ranjan, Barun Kr Jha, Advocates

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

7 11-05-2026 Heard Mr Amitabh Sohan, learned counsel for the

petitioner, the State of Bihar, Union of India and the NHAI.

2 The land details are recorded in paragraph 4 of the

writ petition as under:

***“4 That the concerned land,
originally part of Khata No 37, Plot No 807,
holds significant historical value, having once
been owned by the esteemed Justice Behary Lal
Gupta, Bar-at Law, ICS, who served as a
distinguished member of the first batch of the
Imperial Civil Service and retired as Judge of***



the Calcutta High Court in 1907. This heritage property, inclusive of structures known as “Bihara/Vihara,” was built during his tenure and has remained an integral part of the petitioner’s lineage and legacy.”

3 The case of the petitioner is that in the year 1953, Satish Chandra Gupta transferred the land to Shovana Bhattacharya through a registered sale deed on 14.02.1953 which got registered on 23.02.1953.

4 After the demise of Shovana Bhattacharya on 20.05.1970, the petitioner, being her testamentary successor, filed **Testamentary Suit No 01 of 1986** for the grant of Letters of Administration on the basis of Will dated 28.08.1968. The case is that the Patna High Court allowed the same vide an order dated **23.05.2008** (Annexure 1 to the petition).

5 The contention further is that when the petitioner formally applied for the mutation of the land before the Circle Officer, Jhajha, Jamui, it was allowed on 02.03.2021 which led to establishment of new Jamabandi in his name. Thereafter, rent was being paid and the rent receipts are also there.

6 The case of the petitioner is that when ‘**the NHAI**’ came up with the extension/widening of NH 333A, the notification recorded the **Plot No 807** as **Anya (Gair Majarua)**. This followed the petitioner filing representation with



supporting documents. However, the respondents went ahead showing the land to be Gair Majarua. Thereafter, on 04.01.2024, the petitioner appeared before the District Land Acquisition Officer, Jamui and filed objection which followed hearing on 15.02.2024. Further submission is that in Khata No 37 of Khuranda, his name is already there as a Raiyat.

7 However, on 04.05.2024, the newspaper came up with the 03rd notification dated 05.03.2024 and the land was recorded as Gair Majarua. The contention of the petitioner is that no order was passed/copy provided which followed representation before the Collector, Jamui on 11.06.2024. Having found no alternative, the writ petition.

8 A counter affidavit has been filed duly sworn by the Circle Officer, Gidhour (Jamui) and the learned State Counsel has taken this Court to paragraph 17 of the reply wherein it has been recorded that the petitioner has a remedy before the Collector, Jamui for obtaining raiyatikaran order in the case and only thereafter, he can be entitled to the compensation amount.

9 Learned counsel for the petitioner submits that a perusal of the different annexures put forward in the writ petition clearly show that perusal of the Letters of Administration order passed by the Patna High Court in the year



2008, an application for mutation was made, allowed. Further, he is paying rent and in that background, a case has been made out by him.

10 Learned State Counsel submits that the counter affidavit clearly shows that the petitioner has chosen to skip the Collector, Jamui so that an order could be passed on the raiyatikaran of the land whereafter, a decision can be taken on the payment of compensation to the petitioner for the said land.

11 This Court has gone through different documents which are part of the writ petition and have heard the parties. The case of the petitioner is that being aggrieved by the notification, he approached the respondent-authorities including District Land Acquisition Officer, Jamui in which notice was issued. The petitioner appeared whereafter personal hearing took place but without providing any order, they went ahead with the notification. However, this Court has taken note of the stand of the respondents in the counter affidavit that the petitioner should approach the Collector, Jamui along with all the relevant documents so that appropriate order can be passed on the raiyatikaran of the land.

12 This Court directs the petitioner to approach the Collector, Jamui in the next four weeks along with all the



relevant documents and in case, such petition is filed, the Collector, Jamui shall be duty bound to issue notice and hear the parties and, thereafter, pass an appropriate order in accordance with law in the next three months.

13 Needless to add, if the petitioner succeeds, the compensation amount has to flow, again, in accordance with law within the next two months of the order passed by the Collector, Jamui.

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

15 Pending IA, if any, also stands disposed of.

(Rajiv Roy, J)

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