

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.691 of 2026

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Shanti Devi Wife of Sitaram Mistri, Resident of village Bhadeya, PO Bhadeya, PS and Anchal Barachatti, District Gaya.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Project Director, National Highways Authority of India, Project Implementation Unit, Village and PO Moreshari, District Rohtas, Sasaram Bihar.
3. The State of Bihar through the District Magistrate-cum-Collector, Gaya.
4. The Land Acquisition Officer, Gaya.
5. The Sub. Divisional Officer, Sherghatti, Gaya.
6. The Land Reforms Deputy Collector, Sherghatti, Gaya.
7. The Circle Officer, Barachatti, District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar Singh, Advocate
For the UOI	:	Mr.Abhisekh Kumar, CGC
For NHAI	:	Mr. Saket Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 27-07-2026 Heard learned counsel for the petitioner and the National Highways Authority of India (henceforth for short 'the NHAI'). There is no representation of the State nor the concerned office has handed over copy to 'the NHAI'.

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

(i) for issuance of an appropriate writ, order or direction, particularly in the nature of writ of Mandamus, commanding and



directing the respondents and its authorities to pay compensation of the land of the petitioner with statutory rate which has been acquired by the authority for extension of N.H.2, as the land of the petitioner bearing Mauja Manan Bigha Thana no 138 Khata No. 59, Plot No. 107, acquired area 48 decimals;

(ii) further for issuance of any other appropriate writ/writs order/orders, direction/directions, in which Your Lordship may deem fit and proper in the facts and circumstances of the case.

3. Paragraphs 05 to 10 of the counter affidavit filed by the District Land Acquisition Officer, Gayaji read as under:

5. that the petitioner, shanti Devi filed representation before the answering respondent No. 4, with a prayer to pay the adequate compensation on acquisition of her settled land for the purpose of NHAI;

6. that on representation filed by the



Petitioner, Shanti Devi, the competent authority took cognizance of the matter and accordingly, appropriate directions were issued to concerned dealing assistant/clerk to take necessary action in accordance with the prevailing law and the facts available on the record;

7. that upon examination of the records, it was found that her land was not notified for the purpose of acquisition in the publication of Notification under Section 3A of the National Highways Act, 1956, published on 27th day of February, 2013 and consequently No declaration under Section 3D of the National Highways Act, 1956 was issued in respect of the said land;

8. that the Ameen posted in Land Acquisition was deputed to measure and submit detailed report, whether



the land of the petitioner, Shanti Devi has been acquired for the purpose of the NHAI or not. And accordingly, the Ameen of the land Acquisition filed a detailed measurement report, wherein it is reported that the land of the petitioner, Shanti Devi has been used for the purpose of NHAI;

9. that upon examination of the records, it was found that the land in question had earlier been settled to the petitioner, Shanti Devi, widow of Late Sita Ram Mistri through a Parwana no.1 issued under specific case no. 67 of the year 1993 - 1994 for the land, bearing Revenue Survey Plot No. 107 pertaining to Revenue Survey Khata No. 59, Area 48 Dc., situated at Revenue Survey Mouza Manan Bigha, Anchal Barachatti, Revenue Thana Barachatti, Revenue Thana No. 138, Sub-Division Sherghati, District Gaya,



State of Bihar (INDIA). And the same fact (issuance of Parwana) was found correct by the Circle Officer, Barachatti, Gaya;

10. that in view of the aforesaid factual position and for redressal of the grievance raised by the petitioner, Shanti Devi. The District Land Acquisition Officer, Gaya issued Letter No. 1265 dated 10.06.2026 addressed to the Project Director, NHAI, PIU, Aurangabad. That by the aforesaid communication, the Project Director, NHAI, PIU, Aurangabad has been requested to take necessary steps for the publication of supplementary notification under section 3 and accordingly, for fresh declaration under Section 3D of the National Highway Act for the said entire area measuring 48 decimals.

4. Despite the State respondent recording that it is for



‘the NHAI’ to decide the matter, it is ironically that the copy is not served to it. Worse, on call, there is no appearance.

5. The report shows that though it was not acquired, ‘the NHAI’ has used the land of the petitioner and as such request has been made by the D.L.A.O., Gayaji to the Project Director, NHAI, Aurangabad vide letter no. 1265 dated 10.06.2026 to ensure publication of supplementary notification. Now that the D.L.A.O., Gayaji has taken note of the fact and communication has been made to ‘the NHAI’, this Court expect ‘the NHAI’ to act immediately and do the needful latest by 31.08.2026.

6. The D.L.A.O., Gayaji shall thereafter, take steps for publication of Award and compensating the petitioner in next three months.

7. It is made clear that the entire process must be completed by 30.11.2026.

8. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

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