



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10967 of 2023

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Arun Kumar Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shivam, Advocate
For the Respondent/s : Mr.Birendra Prasad Singh (SC- 19)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-04-2026

I.A. No. 01 of 2024:

2. Learned Senior Counsel for the petitioner at the outset prays for withdrawal of the I.A. No. 01 of 2024 which is dismissed as withdrawn.

I.A. No. 02 of 2022:

3. The aforesaid Interlocutory Application has been preferred for substituting heirs and legal representative of the deceased petitioner no.2, Shankar Thakur who died on 5.05.2024 leaving behind heirs as recorded in paragraph-2 of the petition.

4. The contention is that the wife of the petitioner no.2 is pre-deceased and as such heirs be substituted.





5. Learned State counsel has no objection to it.

6. In that background, I.A. No. 02 of 2022 is allowed.

7. Let office to needful and substitute petitioner no.2, Shankar Thakur with the heirs as recorded in paragraph-2 of the Interlocutory Application.

C.W.J.C. No. 10967 of 2023:

8. Heard Mr. Pushkar Narain Shahi, learned Senior Counsel for the petitioner and the State.

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

(i) for setting aside the order dated 21.11.2022 passed by the Circle Officer, Maharajganj in Misc. Case No. 01/2022-23 whereby and whereunder pursuant to directions issued by this Hon'ble Court vide oral judgment dated 9.9.2022 passed in CW.JC. No 12924/2022, the representation filed by the petitioners for holding nature of lands acquired for Ram Janki Road Scheme in respect of N.H.





227A in village Ushri, Circle- Maharajganj, District- Siwan was in fact residential in nature and not agricultural, has been rejected only on the basis of khatiyan entry without taking into account the actual condition of the land;

(ii) the petitioners alternatively pray that since the amount determined by the competent authority in terms of Section 3G(1) and (2) is not acceptable to the petitioners whose lands have been acquired, the matter be referred to the Arbitrator to be appointed by the Central Government in terms of Section 3G(5) of the National Highways Act, 1956;

(iii) for grant of any other incidental/consequential or other appropriate relief/reliefs to which the petitioners may be found entitled in the facts and circumstances of the case fully enumerated hereinbelow..

10. The details of the land is/are as under:





- (i) thana no. 539, 540;
- (ii) khata no. 217, 223,140;
- (iii) survey no.1718, 1723, 1719,1737,
1748, 281;
- (iv) mauza-Jalalpur; circle-
Maharajganj, district-Siwan.

11. It has been acquired for the Ram Janki Road Scheme relating to National Highway 227A. The land of the petitioners have also been acquired and they are aggrieved that it being the residential, the same has been rejected putting it in the category of agriculture land.

12. After some argument, learned Senior Counsel for the petitioners accept the State-respondents version which they have also incorporated in the writ petition that the remedy lies before the Arbitrator cum Divisional Commissioner, Saran Division, Saran under section 3(G)(5) of the National Highways Act, 1956.

13. In the aforesaid background and with the consent of the parties, the writ petition is disposed of allowing the petitioner to approach the concerned authority/Arbitrator cum Divisional Commissioner, Saran Division, Saran in next





four weeks and the concerned Arbitrator after hearing the parties and putting all the respondents to notice will be passing appropriate order preferably by the end of this year.

(Rajiv Roy, J)

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