

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7702 of 2026

=====

Brajesh Chandra Mishra Son of Shri Ramesh Chandra Mishra, Resident of Ravi Kunj, Navratan Hata, Purnia, Bihar, P.S-Khajanchi Hat, Purnia, Bihar, Pincode- 854301.

... .. Petitioner/s

Versus

1. The Regional Officer, Regional Office, National Highways Authority of India, Patna.
2. The Project Manager, NHAI, Kishanganj- Purnea.
3. The State of Bihar Through Commissioner, Purnea.
4. The State of Bihar Through District Magistrate, Kishanganj.
5. The Competent Officer-cum-District Land Acquisition Officer, Kishanganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Saurabh Bishwambhar, Advocate
For the Respondent/s : Mr. Government Pleader (07)
For the NHAI : Mr. Rajesh Kumar Shandilya, Advocate
Mr. Sanjiv Kumar, Advocate
Mr. Ankita Kumari, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-07-2026 Heard Mr. Saurabh Bishwamber, learned counsel for the petitioner, Mr. Vivek Prasad for the State and Miss Ankita Kumari for National Highway Authority of India (henceforth for short 'the NHAI').

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

“A. Writ in the nature of Ceritorari or any other appropriate writ/s, order/s direction/s quashing the following:-

(I) Notice dated 09/05/2026 vide Reference No-1674 issued by District Land



Acquisition Officer, Kishanganj stating interalia for vacating the land bearing Khesara No-3386 admeasuring 0.1370 decimil to be vacated in 48 hours

B. A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s direction/s commanding the Respondents for the following:-

(I) To direct the respondent No-3 and 4 to act in light of section 3-E-(1) Of National Highway Act, 1956

(II) To accept and adopt a technic of humanitarian ground in vacating the aforesaid land as per the statutory limitation.

(III) To direct the respondents in not creating hindrance within a period of 60 days for evacuating the land by the petitioner.

C. To any other relief/s to which the petitioner is found entitled to”.

3. The matter relates to the construction of **Green Field Expressway between Kishanganj-Bahadurganj Section, Package-3** which led to **Land Acquisition Case No. 22-26-2022.**

4. The land details of the petitioner is at para 4 of the petition and read as under:

“Khata number 63;

Khesra 3386 (0.1370 decimal);



Thana no. 56 Mauza-Singhari;

District- Kishanganj.”

5. The petitioner is running a Mahindra Automobile Shop and pursuant to the notices, it has been accepted that the compensation amount has been received. So far as categorization of land is concerned, the Arbitrator-cum-Divisional Commissioner of Purnea division has already decided it in his favour on 08.04.2026/10.04.2026 and to his knowledge, the respondents have not challenged it.

6. Once the acquisition process came to an end, the natural recourse for the petitioner was to leave the place so that the project moves without any obstruction. However, as he failed to clear the land, vide memo number 1674 dated 09.05.2026, the petitioner and all those who have not vacated the land were directed to leave the required places within a period of 48 hours, else appropriate steps shall be taken.

7. Aggrieved, the present petition.

8. Learned counsel for the petitioner submits that the mandatory provision of 60 days has not been followed and it being a workshop, removal of the entire machinery and structure will take some time. However, he concedes that the notice is dated 09.05.2026 and when this matter is being argued on



07.07.2026, the respondents have not resorted to coercive measure. He further acknowledges that 60 days period that the petitioner wanted also stand completed.

9. The submission is that some more time be granted and considering the importance of the project for which the acquisition has been made, the petitioner is ready to vacate the same.

10. Mr. Vivek Prasad, learned State Counsel submits that the project is of the year 2023, it is already getting late, payments have been made. The petitioner knowing very well that they have to leave once they received the compensation amount should have taken appropriate steps. Instead, the writ petition. He further submits that even the contention that 60 days time has not been granted now has come to an end. However, he submits that if the petitioner is ready to vacate at an earliest, some more time can be extended.

11. Learned counsel for 'the NHAI' echoes the same sentiment as expressed by the learned State Counsel.

12. This Court has recorded the entire facts of the case and can only observe that only due to these delay tactics by the landholders after the received award amount, the projects in the State of Bihar fails to start or get completed in time.



13. However, considering the natural difficulty that the petitioner has presented with the help of the photographs that the workshop needs some time for its complete removal, on his own undertaking that it will be vacated by **31st of July 2026**, this Court allows the petitioner to take steps and see to it that the entire machinery of the workshop is/are removed at an earliest and latest by **31st of July 2026**.

15. It is made clear that if the petitioner fails to abide by the undertaking given to the Court, the respondents shall be free to take immediate steps for taking possession of the land in question effective 1st of August, 2026. The respondents shall also be free to realise the cost on account of illegal occupation of this acquired land.

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

(Rajiv Roy, J)

Sanny/-

U			
---	--	--	--

