

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.450 of 2015

In

Civil Writ Jurisdiction Case No. 14258 of 2012

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Gayatri Devi, W/o Late Braj Nath Chaudhary, resident of village - Raje Paschim (West), Ward No.- 5, P.O.- Manighachi, Block & P.S. - Manighachi, District- Darbhanga (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Arun Kumar Jha, District Land Acquisition Officer -cum- Competent Authority (D.L.A.O.), Darbhanga, District- Darbhanga.
3. The National Highway Authority of India through its Chairman, NHAI, New Delhi.
4. The Project Director, NHAI, Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha
For the Opp. Party-State : Mr. Alok Kr. Rahi, AC to AAG-2
For the Opp. Party- NHAI : Mr. Ranjan Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 05-08-2015 Heard Mr. Shashi Nath Jha, learned counsel appearing on behalf of the petitioner, Mr. Alok Kumar Rahi, learned Assisting Counsel to Additional Advocate General No.2 for the State and Mr. Ranjan Kumar Singh, learned counsel appearing for the National Highway Authority of India.

The writ petition filed by the husband of the petitioner bearing CWJC No.14258 of 2012 was disposed of with a direction to the District Land Acquisition Officer, Darbhanga to consider the representation of the petitioner present at Annexures 6 and 8 of the writ petition and dispose of the same in accordance with law as well as to take appropriate

steps for payment of the compensation for which the petitioner was found entitled. Complaining of non-compliance of the directions that the contempt application was filed.

A show cause has been filed on behalf of the State as well as the National Highway Authority of India and vide order passed on 28.3.2014 the claim of the petitioner was disposed of calculating the compensation quantified at Rs.53,100/-. A copy of the order is placed at Annexure-A to the show cause of the State.

Since the responsibility of payment of the compensation amount had been shifted on the National Highway Authority of India that this Court required the District Land Acquisition Officer to take steps in this regard and whereafter a supplementary show cause has been filed today enclosing a copy of the cheque issued in favour of the petitioner who happens to be the widow of the deceased writ petitioner.

Mr. Shashi Nath Jha, learned counsel appearing for the petitioner disputes the quantification by submitting that being aggrieved by such quantification that the writ petition was filed and after going the rigours the net result is the same. According to learned counsel even at the writ stage the respondents had quantified the compensation at Rs.53,100/-.

Perusal of the records manifests that the

quantification has been defended on the classification of the property. However considering that the petitioner is disputing the calculation of the compensation amount and that section 3G (v) of the National Highways Act, 1956 provides for a remedy to any person aggrieved by the determination of compensation and which remedy lies before the Arbitrator so appointed in this regard and taking into consideration that liberty was already granted to the petitioner by this Court in the order disposing of the writ petition, to take recourse to the remedy so available to him in law in case writ petitioner disputes the quantification of the compensation amount, in my opinion, no case for contempt is made out. If the petitioner is aggrieved by the quantification of the compensation amount as well as on the issue of payment of interest then in the light of the liberty so granted in the writ petition she shall be at liberty to exhaust the remedy so provided to her by approaching the appropriate forum by filing an appropriate application.

This contempt application is disposed of.

(Jyoti Saran, J)

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