

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21288 of 2011

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1. Four Lane Bhudhari Kishan Sangharsh Morcha through its President Ram Binod Chaoudhary S/O Late Ram Chandra Choudhary, Vill+P.O- Dariapur Kafen, Via- Turki, P.S-Kudhni, District- Muzaffarpur.
 2. Ram Binod Choudhary S/O Late Ram Chandra Choudhary, Vill+P.O- Dariapur Kafen, Via- Turki, P.S- Kudhni, District- Muzaffarpur, President Four Lane Bhudhari Kishan Sangharsh Morcha.
 3. Jagdish Mahto, S/O Sigasur Mahto, R/V Fatehpur, P.O- Rajula, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highways, Government of India, New Delhi.
2. The Secretary Ministry of Road Transport and National Highways, Government of India, New Delhi.
3. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
4. The Chief Secretary, Government of Bihar, Patna.
5. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
6. The Commissioner, Tirhut Division, Muzaffarpur.
7. The District Magistrate, Muzaffarpur.
8. The District Land Acquisition Officer, Muzaffarpur.
9. National Highway Authority Limited through Project Director, Muzaffarpur.
10. Competent Authority-cum- Land Acquisition Officer, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar
For the Respondent No.1 & 2 : Mr. S.N.Pathak
For the Respondent No. 3 to 8; Mr. Apurva Kumar, AC to GA-11
For the Respondent No.9 & 10: Mr. Sunil Kumar-II
Mr. Ranjan Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 08-09-2015

Heard the parties.

In the present proceeding filed under Article 226 of the Constitution of India, a grievance has been raised that the lands of the individual farmers including that of the petitioner no.2 and 3 have been acquired for the purposes of construction/ widening of National Highways-77 from Hajipur to Muzaffarpur, but they have

not been paid adequate amount of compensation as per the nature of the lands so acquired.

The petitioner no.1 claims to be an unregistered association of the farmers. Therefore, it cannot be treated/ recognised as the interested persons with respect to the lands so acquired. The writ petition filed on behalf of the petitioner no. 1 is completely misconceived and untenable. Hence, it is hereby rejected.

However, so far the petitioner no.2,3 and other individual persons are concerned, who may be the members of the petitioner no.1, if their lands have been acquired for the purposes of construction/ widening of National Highway No.77 and they have not been paid adequate compensation under the provisions of The National Highways Act, 1956, then such persons have an alternative and efficacious remedy before the Arbitrator appointed by the Central Government under the provisions of Section 3G(5) of The National Highways Act, 1956. It is apparent that the petitioner no.2, 3 and other individual persons, who may be interested persons with respect to the lands so acquired, have not approached the Arbitrator for redressal of their valid grievances and have directly come to this Court in the present proceeding.

In view of the nature of grievances raised on behalf of the petitioner no.2, 3 and the other members of petitioner no.1, this Court is of the opinion that the interest of justice shall be subserved if they are granted liberty to approach the Arbitrator appointed by the Central Government under the provisions of the National Highways Act, 1956 for redressal of their valid grievances including for payment of adequate compensation. It is ordered, accordingly.

If the petitioner no.2, 3 or/and any other individual persons, who may be the members of petitioner no.1, file appropriate petition(s) before the Arbitrator, so appointed by the Central Government, within a period of four weeks from today with a certified copy of the present order, then their claims shall be considered and disposed of in accordance with law by a reasoned and speaking order at an early date preferably within a period of four months from the date of filing of such application(s).

This is clarified that this Court has not gone into the merits of the claim(s) raised on behalf of the petitioner no.2,3 and/ or on behalf of the members of the petitioner no.1, and this is left to be decided by the Arbitrator strictly in accordance with law.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, before the Arbitrator.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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