

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15770 of 2013

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Surya Kuer Wife of Late Bhikhari Tiwary, Resident of Village - Kumhaw,
P.O. More Sarai, P.S. Shiv Sagar, Distt. - Rohtas at Sasaram Presently
Resident at Sateyndra Nagar (In The House Of Ramadhar Dubey) Block
Colony, Aurangabad, P.S. And Distt. - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna (Bihar)
2. The District Magistrate, Rohtas at Sasaram
3. The Competent Authority Cum the District Land Acquisition Officer, Rohtas at Sasaram
4. The Chief General Manager, National High Way, New Delhi
5. The Project Officer National High Way Ii Rohtas At Sasaram
6. Dineshwar Tiwari
7. Chandradeep Tiwari, both sons of late Triveni Tiwari, resident of Kumhau, P.O. More Sarai, P.S. Shivsagar, District Rohtas at Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma
For the Respondent No.1 to 3 : Mr. Krishna Kumar, AC to AG
For the Respondent No. 4 & 5 : Mr. S.N. Pathak
For the Respondent No. 6 & 7 : Mr. B.P.Pandey, Sr. Adv.
Mr. P.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-12-2015 The present matter arises out of a proceeding under the provisions of The National Highways Act, 1956 (In short 'Act, 1956').

Initially an award was prepared in favour of the petitioner in L.A. Case No. 9 of 2011-12 under the provisions of the Act, 1956 with respect to the lands, which were acquired by the competent authority. Subsequently, an objection was filed by the respondent no. 6 and 7 in terms of Section 3H of the Act, 1956, which has now finally been disposed of by an order dated 15.07.2013 by the respondent District Land Acquisition Officer, Rohtas, the competent authority under the Act, 1956. The petitioner has filed a supplementary affidavit bringing on record



the aforesaid order dated 15.07.2013, as contained in Annexure-1 to the aforesaid supplementary affidavit. By the aforesaid order dated 15.07.2013 earlier award prepared in favour of the petitioner has been modified and claims of the private respondents have also been allowed. Now, the petitioner is essentially aggrieved by the aforesaid order dated 15.07.2013 passed in aforesaid L.A. Case No. 9 of 2011-12 (Annexure-1 to the supplementary affidavit).

The learned AC to AG appearing on behalf of the respondent no. 1 to 3, learned counsel appearing on behalf of the respondent no. 4 and 5 and the learned senior counsel appearing on behalf of the respondent no. 6 and 7 in one voice submit that against the impugned order dated 15.07.2013, the petitioner has statutory remedy in terms of Section 3H(4) of the Act, 1956. Therefore, according to them, the writ petition is not maintainable. The learned counsel appearing on behalf of the respondent no. 4 and 5 has placed reliance on a Division Bench judgment of this Court in the case of **Project Director, National Highway Authority vs. Md. Gufran Alam** [2014(1) PLJR 207].

After having heard the parties and taking into consideration the factual and legal aspect of the matter and particularly taking into consideration the provisions of Section 3H(4) of the Act, 1956, the present writ petition is disposed of with a liberty to the petitioner to approach the competent authority for referring the matter to the Principal Civil Court of original jurisdiction for deciding the claim of the respective parties in accordance with law on the basis of evidence/ materials produced by them.

If an appropriate petition is filed on behalf of the petitioner before the competent authority within a period of one

month from today with a certified copy of the present order, then the competent authority shall be obliged to consider and decide the claim of the petitioner in accordance with law by keeping in mind the provisions of Section 3H(4) of the Act, 1956.

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

(Birendra Prasad Verma, J)

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