

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21511 of 2013

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1. Asharfi Das, son of late Haruni Das
 2. Yugal Paswan, son of late Anup Paswan
 3. Raj Kumari Devi, wife of Ram Babu Sah
 4. Nagendra Sah, son of late Indradeo Sah

All resident of village-Thumma, P.S.-Runni Saidpur, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The Project Director, National Highway Authority of India.
3. The Collector, Sitamarhi
4. The Additional Collector, Sitamarhi
5. The Deputy Collector, Land Reforms, Sitamarhi
6. The Sub-Divisional Officer, Sadar, Sitamarhi.
7. The District Sub-Registrar, Sitamarhi.
8. The Circle Officer, Runi Saidpur, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghwanand, Adv.

For the Respondent nos.1&3to8 : Mr. Krishna Chandra, AC to AG

For the Respondent no.2 : Mr. S.N.Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 17-12-2015

Heard the parties.

The grievances of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that their lands have been acquired by the State authorities under the provisions of The National Highways Act, 1956 (in short 'Act, 1956') and though they have been paid compensation treating their lands to be agricultural in nature, but, in fact, they are entitled for higher amount of compensation since the lands in question are commercial in nature and are situate adjoining to the national highways.

Indisputably, in view of the nature of the claims regarding the lands in question, the petitioners have a statutory alternative remedy before the Arbitrator in terms of Section 3-G(5)

of the Act, 1956, but the petitioners have not approached the aforesaid statutory authority and have straightaway come to this Court in the present proceeding.

This Court is of the considered opinion that the issues of facts must be raised and conclusively decided by the statutory authorities, at the first instance, and only thereafter the powers of judicial review of the High Court under Article 226 of the Constitution of India may be invoked.

In above view of the matter, the present writ petition is dismissed, but liberty is granted to the petitioners to approach the Arbitrator in terms of Section 3-G(5) of the Act, 1956 for redressal of their valid grievances.

If an appropriate petition is filed on behalf of the petitioners before 'The Arbitrator' within a period of one month from today with a certified copy of the present order, then the same shall be considered and decided on its own merits, at an early date, preferably within a period of six months from the date of filing of such application, but without being prejudiced/influenced by the dismissal of the present writ petition.

(Birendra Prasad Verma, J)

Arvind/-

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