

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20845 of 2012

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Bhola Singh, Son of Late Kamla Singh, Resident of Village + P.O.: Garkha,
P.S.: Garkha, District: Saran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Collector cum District Magistrate, Saran at Chapra
3. District Land Acquisition Officer, Saran at Chapra
4. Surendra Singh, Son of Late Bhagwan Lal Singh, Resident of Village +
P.O. + P.S.: Garkha, District: Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Respondent nos.1to3 : Mr. Ajay Kumar Sharma, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 09-10-2015

Heard learned counsel appearing on behalf of the petitioner and learned AC to PAAG appearing on behalf of the respondent nos.1 to 3. However, none appears on behalf of the respondent no.4 despite valid service of notice.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India raising a grievance that with respect to the lands in question bearing khata no.493 appertaining to survey plot no.632 and 645 situate at Mauza-Saidpur Dighwara in the district of Saran, which was acquired for widening of N.H.-19, the amount of compensation has not been paid to him, though he is the rightful owner of the said land and instead of him the amount of compensation has been paid to the respondent no.4.

Learned counsel appearing on behalf of the petitioner submits that, despite his objection, the competent authority prepared the award of the lands in question in favour of the

respondent no.4, though it ought to have been prepared in the name of the petitioner.

The matter has been contested by the respondent nos.1 to 3 by filing a detailed counter affidavit on behalf of the respondent nos.2 and 3, wherein it has been asserted that the respondent no.4 produced documents in support of his claim of right and title over the lands in question, therefore, award was prepared in his name and compensation amount has been paid to him. It is submitted by the learned State counsel that, if the petitioner was at all aggrieved, then he had/has an alternative remedy under Section 3-H(4) of the National Highways Act, 1956 (in short 'Act, 1956').

Learned counsel appearing on behalf of the petitioner, in response to the query made by this Court, has fairly conceded that an alternative remedy available to the petitioner in terms of Section 3-H(4) of the Act, 1956 has not been invoked by the petitioner.

After having heard the parties and on consideration of the materials available on record, this Court finds that the claims raised on behalf of the petitioner requires examination of various documents of the petitioners vis-à-vis the respondent no.4, which can be appropriately done by the competent Civil Court, if reference is made by the competent authority in exercise of powers under Section 3-H(4) of the Act, 1956.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to file an appropriate petition with all supporting documents before the competent authority for grant of appropriate relief(s) under Section 3-H(4) of the Act, 1956.

If such a petition is filed on behalf of the petitioner within a period of two months from today with a certified copy of the present order, then the competent authority shall refer the matter to the competent Civil Court by exercising powers under Section 3-H(4) of the Act, 1956, whereafter the matter shall be decided strictly in accordance with law after giving reasonable opportunity of hearing to both sides, besides others, if any.

(Birendra Prasad Verma, J)

Arvind/-

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