

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3943 of 2014

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1. Haribansh Rai, Son Of Late Bhuneshwar Rai, Resident Of Village Apshaid, Police Station- Sonapur, District Saran
 2. Yogendra Rai, Son Of Late Jeev Nandan Rai, Resident Of Village Parmanandpur, Police Station- Sonapur, District Saran
 3. Jai Prakash Rai, Son Of Late Shiv Mangal Rai, Resident Of Village- Rahimpur, Police Station- Sonapur, District Saran
 4. Vishwanath Prasad Rai, Son Of Jagan Rai, Resident Of Village Parmanandpur, Police Station- Sonapur, District Saran

.... Petitioner/s

Versus

1. The State Of Bihar Through Collector, Saran, Chapra
2. The Arbitrator-Cum-Additional Collector, Saran, Chapra
3. The District Land Acquisition Officer, Saran, Chapra
4. The Circle Officer, Sonapur, Police Station- Sonapur, District Saran, Chapra
5. The Union of India through Secretary, Ministry Of Road Transport and Highway, Government of India, New Delhi
6. The National Highway Authority of India through its Chairman, New Delhi
7. The Project Director, National Highway Authority of India, D-63, Sri Krishnapuri, Patna, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Sinha -2, Adv. Mr. Vidya Nand Kumar, Adv.
For the Respondent nos.1to4	:	Mr. Krishna Chandra, AC to AG
For the Respondent nos.6&7	:	Mr. S.N.Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-06-2016

Heard the parties.

The petitioners are aggrieved by the order dated 08.06.2013 passed in Arbitrator Case No.2 of 2013 by the respondent Arbitrator-cum-Additional Collector, Saran, Chapra, as contained in Annexure-7 to the writ petition, whereby the aforesaid case filed on behalf of the petitioners has been disposed of by directing the Competent Authority-cum-District Land Acquisition Officer, Saran to enhance 25% amount of

compensation already fixed by him for the acquisition of the lands in question originally belonging to the writ petitioners.

Learned counsel appearing on behalf of the petitioners submits that amount of compensation fixed by the competent authority for the lands in question and modified/enhanced by the respondent Arbitrator is not sufficient and, in fact, the petitioners are entitled to receive more compensation amount for the lands acquired by the authorities under the provisions of The National Highways Act, 1956 (in short 'Act, 1956').

Learned counsel appearing on behalf of the respondents, on the other hand, submits that, against the order impugned, the petitioners have an alternative statutory remedy as provided under Section 3-G(6) of the Act, 1956 before the Civil Court of competent jurisdiction, as according to them, the pleas raised on behalf of the petitioners require recording and appreciation of evidence by the Civil Court.

In above view of the matter, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to approach the Civil Court of competent jurisdiction for grant of appropriate relief(s) to the petitioners with respect to the lands in question, so acquired by the State authorities under the provisions of the Act, 1956.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It is clarified that, if such a civil suit is filed on behalf of the petitioners within a period of three months from today with

a certified copy of the present order, after impleading all the necessary parties including the respondents, then the same shall be considered and decided strictly in accordance with law on the basis of the evidence/materials produced by the parties.

It is further clarified that the parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question before the Civil Court of competent jurisdiction.

(Birendra Prasad Verma, J)

Arvind/-

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