

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11965 of 2013

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1. Chanda Srivastava, W/O Sri Om Prakash Sinha, R/O Village - Uchitpur, P.O. Muradabad, P.S. Sasaram, District - Rohtas

2. Rameshwar Prasad, S/O Late Awadh Narayan Lal, R/O Village + P.O. Sri Khinda, P.S. Nokha, District - Rohtas Presently R/O Chowk Bazar, Shobhaganj, Sasaram, Ward No. 37/28

3. Priyam Singh, W/O Sri Abhay Kumar Singh, R/O Village - Redien, P.O. Telari, P.S. Chenari, District - Rohtas, Presently Anapurna through West Mohan Bigha, Ward No. 16, District - Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar

2. The Principal Secretary, Department Of Disasters Management, Bihar, Patna

3. The District Magistrate, Rohtas, Sasaram

4. The District Land Acquisition Officer, Rohtas at Sasaram

5. Sri Om Prakash, Deputy Collector Land Reforms, Sasaram, Rohtas, Presently Holding Charge Of Land Acquisition Officer, Rohtas

6. The Circle Officer, Sheosagar, Rohtas

7. The Union of India through Ministry Of Surface Transport, New Delhi

8. National Highway Authority of India through Its Chairman, New Delhi

9. Munni Devi, W/O Yougesh Prasad Gupta, R/O Village + P.O. Karbandiya, P.S. Sasaram Mufasil, District - Rohtas

10. Jitendra Kumar Singh, S/O Kashi Nath Singh, R/O Village - Bishrampur, P.O. Khuriya, P.S. Baddi, District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Adv.

For the Respondent nos.1to4&6 : Mr. Krishna Chandra, AC to AG

For the Respondent no.5 : Mr.Rajesh Ranjan No.1, Adv.

For the Respondent no.8 : Mr.S.N.Pathak, Adv.

For the Respondent no.9 : Mr.Kumar Gangesh Gunjan, Adv.

For the Respondent no.10 : Mr.Jitendra Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 15-03-2016

Heard the parties.

In view of the nature of the disputes/claims raised on behalf of the petitioners with respect to the lands in question, fully detailed in paragraph 4 of the writ petition, and in view of the averments made in the counter affidavit filed on behalf of the respondents as also in view of the judgment of a Division Bench of this Court in the case of **The Project Director, National Highway Authority, Araria at Purnea, Bihar & Anr. Vs. Md.**

Gufran Alam & Ors. [2014(1) PLJR 207], this Court is of the opinion that all these disputed questions of facts cannot be gone into in the present proceeding filed under Article 226 of the Constitution of India. However, the petitioners are granted liberty to approach the competent authority under Section 3-H(4) of The National Highways Act, 1956 (in short 'Act, 1956') for grant of appropriate relief(s) with respect to the lands in question claimed by them.

If an appropriate petition is filed on behalf of the petitioners under Section 3-H(4) of the Act, 1956, after impleading all the necessary parties 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 claims of the petitioners in accordance with law at an early date preferably within a period of six months from the date of filing of such petition, but, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners as also the respondent nos.9 and 10.

The parties shall be at liberty to raise all the issues of facts and law before the competent authority with respect to the lands in question.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the parties with respect to the lands in question and it is left to be decided by the competent authority/appropriate authority/forum strictly in accordance with law.

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

Arvind/-

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(Birendra Prasad Verma, J)