

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11586 of 2013

With
Interlocutory Application No. 379 of 2015

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1. Pradeep Kumar Singh Son of Binod Singh, Resident of Village - Bamhaur, P.S. - Shivsagar, District - Rohtas
 2. Yaduvanshi Devi Wife of Binod Kumar Singh, Resident of Village Oniw, P.S - Shivsagar, District - Rohtas at Present Village - Bamhaur, P.S. - Shivsagar, District - Rohtas
- Petitioner/s

Versus

1. The National Highways Authority of India through its Competent Authority, New Delhi
2. The State of Bihar through the District Land Acquisition Officer, Rohtas, Sasaram
3. Rameshwar Singh Son of Late Laxmi Singh, Resident of Village - Bamhaur, P.S. - Shivsagar, District - Rohtas
4. Ravindra Singh Son of Rameshwar Singh, Resident of Village - Bamhaur, P.S. - Shivsagar, District - Rohtas
5. Pramod Singh Son Of Rameshwar Singh, Resident of Village - Bamhaur, P.S. - Shivsagar, District - Rohtas
6. Arun Singh Son of Rameshwar Singh, Resident of Village - Bamhaur, P.S. - Shivsagar, District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.K. Bakshi, Sr. Advocate.
Mr. Sidharth Harsh, Advocate.

For the Respondent No.1 : Mr. S.N. Pathak, Advocate.

For the Respondent No. 2 : Mr. Shyameshwar Kr. Singh, AC to GP-12

For the Respondent No.3 to 6 :Mr. Ashutosh Ranjan Pandey, Advocate.

For the Intervenor :Mr. Rakesh Narayan Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 22-01-2016 In view of the controversy raised regarding the vakalatnama filed on behalf of the petitioner no.1, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition, so far the petitioner no. 1 is

concerned, who is physically present before this Court in compliance of the order dated 19.1.2016.

Permission is accorded.

The writ petition, with respect to petitioner no.1, stands dismissed as withdrawn. I.A. No. 379 of 2015 stands accordinally disposed of.

However, so far the petitioner no. 2 is concerned, the matter has been argued for sometime. But, in view of the objections raised by the learned counsel appearing on behalf of the respondents that in the background of the nature of claims raised on behalf of the petitioner no. 2 with respect to the lands in question, she has an alternative and equally efficacious remedy in terms of Section 3H (4) of The National Highways Act, 1956 (In short 'the Act, 1956'), the learned senior counsel appearing on behalf of the petitioner no. 2 seeks permission to withdraw the present writ petition on her behalf also with a liberty to approach the competent authority for passing an appropriate order in terms of Section 3H(4) of the Act, 1956.

Permission is accorded.

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

If any such petition is filed on behalf of the petitioner no. 2 before the competent authority within a period of one month from today with a certified copy of the present order, and after impleading all the necessary parties, then the same shall be considered and decided strictly in accordance with law, but the parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to lands in question before the competent authority, and before passing any final order

by him, an opportunity of hearing must be given to all concerned.



(Birendra Prasad Verma, J)