

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3742 of 2014

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Nand Kishore Prasad Singh @ Kishori Prasad Singh S/O Ramchandra Pd. Singh,
resident of Village- Barahpur, Post Office- More, Police Station- Mokama, District-
Patna

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and National Highways Department, Government of India, New Delhi
2. The Project Director, National Highways Authority of India, New Delhi
3. The Managing Director, National Highways Authority of India, New Delhi
4. The State of Bihar, Patna
5. The District Magistrate, Patna
6. The Competent Authority-Cum-District Land Acquisition Officer, Patna, Collectorate, Patna
7. Asha Devi W/O Hari Narayan Prasad Singh and daughter of Shri Ramnandan Prasad Singh, resident of Mohalla- Sarvodaya Nagar Near Gayatri Mandir, Post Office- Begusarai, Police Station- Begusarai, District- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Verma, Advocate
For the Respondent Nos. 1 to 3: Mr. S.N.Pathak, Advocate
For the Respondent Nos. 4 to 6: Mr.Fakhruddin Ali Ahmad, AC to SC 3
For the Respondent No. 7 : Mr.Manish Kumar No.2, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 20-05-2016

Heard the parties.

2. In view of the nature of claims raised on behalf of the petitioner with respect to the lands in question and in view of the fact that a determination under Section 3G of The National Highways Act, 1956 (in short, the Act, 1956) has been made treating the respondent no.7 as interested person/owner with respect to the lands in question, which is evident from notices issued under Section 3E of the Act, 1956, as contained in Annexure-6 series, this Court is of the opinion that the petitioner has an alternative and equally efficacious remedy in terms of Section 3H(4) of the Act, 1956.

3. The learned counsel appearing on behalf of the

petitioners submits that, in fact, lands in question belongs to the writ petitioner, whereas the learned counsel appearing on behalf of the respondent no.7 submits that the lands in question belongs to the respondent no.7 in view of judgment and decree passed by the civil court.

4. In view of rival claims between the petitioner and the respondent no.7 regarding ownership of the lands in question, the petitioner is granted liberty to file an appropriate petition under Section 3H(4) of the Act, 1956 before the competent authority seeking reference of the matter to the Principal Civil Court of original jurisdiction with respect to the lands in question. If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, the competent authority shall be obliged to consider the claims of the petitioner for reference of the matter to the civil court of competent jurisdiction. However, before passing any final order in terms of Section 3H (4) of the Act, 1956, opportunity of hearing must be given to the parties including the petitioner, respondent no.7 and others, if any. The order, so passed, by the competent authority must be reasoned and speaking one.

5. Till appropriate fresh order is passed by the competent authority, no payment shall be made to either party on the basis of determination made under Section 3G of the Act, 1956. It is expected that the final decision shall be taken by the competent authority at an early date preferably within a period of two months from the date of filing of the petition by the petitioner.

6. The parties shall be at liberty to raise all the issues of facts and law before the competent authority, which may be available to them.

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

(Birendra Prasad Verma, J)

Tahir/-

AFR/NAFR	NAFR
CAV DATE	NA
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