

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1467 of 2013

Arising out of

Civil Writ Jurisdiction Case No. 20875 of 2012

With

Interlocutory Application No. 3630 of 2016.

- =====
1. Smt. Lalti Devi Wife Of Sri Bhardwaj Prasad Resident Of Village- Bajitpur (SBI Campus), P.S.- Belaganj, District- Gaya
 2. Sri Ramjivan Singh Son Of Late Muneshwar Prasad Singh Resident Of Village- Bajitpur, P.S.- Belaganj, District- Gaya
 3. Smt. Parvati Devi Wife Of Sri Tulsi Prasad Resident Of Village- Bajitpur, P.S.- Belaganj, District- Gaya
 4. Sri Suresh Prasad Halwai Son and Legal Heir of Late Munni Sao Resident of Village- Bajitpur, P.S.- Belaganj, District- Gaya
 5. Sri Ramjiwan Singh Son Of Late Chandradip Singh Resident Of Village- Bajitpur, P.S.- Belaganj, District- Gaya
 6. Sri Ranjit Kumar, Son Of Sri Sakaldeo Prasad, Resident Of Village- Bajitpur, P.S.- Belaganj, District- Gaya

.... Appellants

Versus

1. The Union Of India through The Ministry of Road Transport & Highways, Transport Bhawan, 1, Parliament Street, New Delhi
2. The Secretary, National Highways Authority of India, G - 5 & 6, Sector - 10, Dwarka New Delhi- 110075
3. The Planning Director, National Highways Authority of India, D-63, Sri Krishnapuri, Patna-800001 PIU (Implementation Unit, Patna)
4. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna
5. The Collector, Gaya
6. The District Land Acquisition Officer (Competent Authority), District- Gaya

.... Respondent/s

=====

Appearance:

For the Appellant/s : Mr. Nagendra Sharma, Advocate.

For the Respondent/s : Mr. S.D. Sanjay, ASG and
Mr. Akshay Bahadur Mathur, CGC.

For the State: Mr. Anujit Sinha, AC to PAAG 2.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-03-2017

Seeking exception to an order dated 07.11.2012 passed



by the learned Writ Court in CWJC No. 20875/2012, this appeal has been filed under Clause 10 of the Letters Patent.

2. The matter pertains to acquisition of land for construction of National Highway No. 83 passing through Belaganj and construction of a by-pass to avoid congestion of the road which passes through a densely populated market area of Bajitpur. The Writ Petition has been dismissed by the learned Writ Court by taking note of the Notification issued under Section 3(A) of the National Highways Act, 1956.

3. Even though in this appeal, challenge is made to the acquisition proceedings and the procedure followed thereto so also with regard to the payment of compensation. As far as the acquisition proceedings are concerned, on going through the materials available on record, we find that on earlier occasions also the same land acquisition proceedings were challenged in Public Interest Litigation, i.e. the issue pertaining to construction of a new by-pass for National Highway No. 83 (Patna-Gaya-Dobhi Road) passing through Belaganj Bazaar and particularly a market situated in Block Belaganj. The Writ Petition and the Letters Patent Appeal were dismissed and the orders are available on record in the Counter Affidavit filed by the respondents as Annexure 'A'. The orders passed by learned Single Bench of this Court on 19.06.2003 and 24.09.2013 in various Writ



Petitions, being CWJC Nos. 3398, 3499 and 4357 of 2013, all these petitions were dismissed and thereafter the matter came before a Co-ordinate Division Bench of this Court in LPA No. 1414/2013 and by a detailed order passed on 13.01.2015, identical objections with regard to construction of the National Highway in question has been rejected.

4. We have gone through the detailed order passed on 13.01.2015 and the modifications made by the Appellate Court and we find that all objections raised by the petitioner with regard to the acquisition proceedings have been decided by the statutory authority and thereafter by order passed by a Co-ordinate Bench in LPA Nos. 1414/2013, 1518/2013 and 670/2014 on 13.01.2015, which is upheld by dismissal of the SLP by the Hon'ble Supreme Court on 14.05.2015.

5. That being so, now with regard to various objections raised in the matter of acquisition of land, we are not inclined to reconsider the matter. The issue having been already decided as detailed hereinabove, the prayer made by the petitioner stands rejected. As far as payment of compensation, quantification of compensation and its assessment, based on various other relevant factors are concerned, the petitioner, at the first instance, should raise all these claims before the Land Acquisition Officer, who shall consider the same and, if the grievance of the petitioner still subsists,



he can take recourse to the remedy provided under Sections 3(G)(5), 3(G)(6) of The National Highways Act, 1956.

6. Accordingly, for the present, we only grant liberty to the petitioners to raise all these grievance with regard to payment of compensation before the Land Acquisition Officer and in case the claims is raised before the Land Acquisition Officer, the Land Acquisition Officer shall consider the same after hearing all concerned, decide in accordance with law within 90 days of such presentation. Thereafter, in the matter of payment of compensation if any grievance still subsists, the petitioner shall take recourse to the statutory remedy as contemplated under The National Highways Act, 1956. All questions pertaining to assessment of compensation, its payment and quantification are left open to be considered by the statutory authorities concerned.

7. The Letters Patent Appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, A.R.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

