

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2354 of 2016

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Meena Devi, wife of Sri Ram Naresh Kumar Arya, resident of Village-
Nauabagh, Police Station- Masaurhi, District- Patna.

.... Petitioner

Versus

1. The Union of India, through its Competent Authority cum-District Land Acquisition Officer, Patna.
2. District Magistrate, Patna.
3. Competent Authority-cum-District Land Acquisition Officer, Patna.
4. Project Officer, National Highways Authority of India (Ministry of Road Transport & Highways) Project Implementation Officer, Gaya (Bihar).

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Raj Shekhar, Adv. Mr. Kausahl Kumar, Adv.
For the U.O.I.	:	Mr. Anshay Bahadur Mathur, CGC
For the NHAI		Mr. S.N. Pathak
For the State		Mr. Prashant Pratap- GP-2 Mr. Dev Kumar Pandey, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 26-04-2017 This matter has been listed out of turn on the basis of mentioning slip filed on behalf of the petitioner.

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel appearing for the N.H.A.I.

The petitioner has filed this writ petition for issuance of direction to the concerned authorities to dispose of her objection raised against acquisition of her land and also for issuance of direction to the concerned authorities not to demolish



her house stood on Plot No. 1610, Khata No. 418, Mauza-Rampur Sarawan, Pargana-Sanda, District-Patna.

Admittedly, the notification under Section 3A (1) of National Highways Act, 1956 (hereinafter referred to as “Act”) was published for acquisition of above stated land as well as some other lands for construction of Patna-Gaya-Dobhi Road but the aforesaid notification dated 01.03.2011 lost its effect due to non publication of declaration under Section 3D of the Act. However, again a fresh notification in respect of the same project making intention to acquire the disputed land as well as other lands was published on 18.06.2012 in two daily newspapers and subsequently, after expiry of statutory period of filing the objection, the declaration was made under Section 3D of the Act.

The claim of the petitioner is that after publication of notification dated 18.06.2012, she filed objection against the acquisition of disputed land as her house was stood on the aforesaid land but no order was passed and without making any hearing on her objection, the declaration under Section 3D of the Act was made. Further claim of the petitioner is that before determination of compensation amount, no notice was issued to her rather for making payment of compensation of disputed land under Section 3E of the Act, a notice was issued to one Ram



Sahay Raut and Ranjan Prasad and subsequently, payment of disputed land was made to Ranjan Prasad.

Counter affidavit has been filed on behalf of the State in which at para-18, it has been mentioned that out of 0.113666 acre acquired land of Plot No.1610, only compensation for 0.04554 acre of acquired lands was paid to Ranjan Prasad. However, there is noting on the record to show that compliance of Section 3G (3) and (4) of the Act was made before determination of compensation of acquired lands.

Moreover, in view of para-18 of the counter affidavit filed on behalf of the State, this writ petition stands disposed of giving liberty to petitioner to raise her claim in respect of compensation amount before the competent authority i.e. respondent no. 3 within three weeks and if she does so, the respondent no. 3/ concerned authority shall dispose of representation of the petitioner within four weeks from the date of its filing in accordance with law.

(Hemant Kumar Srivastava, J)

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