

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.133 of 2015
IN
Civil Writ Jurisdiction Case No. 22243 of 2011**

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1. Arun Kumar Singh s/o Late Jay Nandan Singh Resident of Village- Garha , Police Station- Runni Saidpur, District- Sitamarhi.

.... Appellant/s

Versus

1. The Union of India (through the Ministry of Road Transportation and Highway).
2. The Chairman, National Highway Authority of India, New Delhi.
3. The District Magistrate, Sitamarhi.
4. The District Land Acquisition Officer, Distt. Sitamarhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Subodh Kumar Sinha
For NHAI : Mr. S.N.Pathak
For the State : Mr Krishna Chandra, AC to AG

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 19-06-2017

Heard counsel for the appellant, counsel for the National Highway Authority of India and the State.

The finding of the learned Single Judge is that in terms of the scheme for compensation all those persons, who surrendered their land voluntarily, were made eligible for payment of 60% solatium. This has not been held to be in any manner irrational or arbitrary. So far as the present appellant is concerned, he was being paid only 30% solatium along with the value of the land because he did not surrender the land at the relevant time.

Submission of the learned counsel for the appellant is that he did tender an affidavit in camp, which was held in this regard



and because of the mischief done by certain officials of the National Highway Authority, he is being discriminated.

The finding of the learned Single Judge is otherwise. The authorities have denied availability of any affidavit on record of such kind and, therefore, the submission of the two sides being diametrically opposite to each other, the Court refused to go into the disputed question. However, the learned Single Judge does permit the present appellant to raise grievance before appropriate authority in accordance with law. If the appellant can still satisfy the authorities about his entitlement of 60% solatium within the framework of the scheme and if the stand taken by the appellant is borne out from records, such a consideration may be made.

No interference otherwise is required with the impugned order dated 11.09.2012 passed in CWJC No.22243 of 2011.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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