

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13692 of 2017

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Sakaldev Prasad Son of Late Bandhu Mahto, R/o Village- Dayali Bigha, P.O.-
Keoti, P.S.- Barbigaha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. National Highways Authority of India, New Delhi.
2. Director National Highways Authority of India, New Delhi.
3. Project Director , National Highways Authority of India, Munger.
4. Competent Authority-cum-District Land Acquisition Officer, Sheikhpura,
Bihar.
5. The State of Bihar Through the District Magistrate, Sheikhpura, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Malendu
For the Respondent/s	:	Mr. Sajid Salim Khan -SC25
		Mr. S.N.Pathak
		Mr. Sanat Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-12-2018 Heard both sides.

Respondent Nos.1 to 3 filed counter-affidavit.

Respondent Nos.4 and 5 also filed counter-affidavit.

The petitioner filed this writ petition for a direction to
the respondents authorities to pay the amount of compensation
to the petitioner as per the valuation of the land/house as
contained in report dated 21.07.2016(Annexure-3).

Learned counsel for the petitioner submits that land of
the petitioner bearing Survey Plot No.1908 was acquired vide
notification dated 30.10.2015 published under Section 3(ii) Part
II of the National Highway Authority Act for construction of



National Highway. Learned counsel for the petitioner further submits that Department found the house of the petitioner on Plot No.1908. The petitioner constructed the house on the basis of Hukumnama by which the land is settled in favour of the petitioner by the ex-landlord but it appears from the notification(Annexure-1) itself that the nature of land was Gairmajarua Aam, therefore, this Court in absence of any documents cannot decide in writ jurisdiction that the Plot No.1908 was duly settled in favour of the petitioner and petitioner constructed his house thereon. Accordingly, I dispose of this writ petition with a direction to the petitioner to present the petition before the Land Acquisition authority along with all the documents showing that Plot No.1908 situated in village Dayalibigha, Mauza-Keoti was duly settled in favour of the petitioner and if such petition is filed, the Land Acquisition Officer shall hear the petition of the petitioner and dispose of the representation of the petitioner in accordance with law within four months from the date of receipt of this order. Accordingly, this writ petition stands disposed of.

(Prabhat Kumar Jha, J)

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