

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1983 of 2016

In

Civil Writ Jurisdiction Case No.12499 of 2016

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1. Pramod Kumar S/o Surendra Sah R/o Sarai Bazar,p.s.- Sarai Bazar,Distt.- Vaishali
 2. Poonam Gupta D/o Surendra Sah R/o + p.o. + p.s.- Sarai Bazar,Distt.- Vaishali
 3. Sri Raj Kishore Gupta S/o Late Rajeshwar Prasad Gupta @ Sah S/o Ram Jiwan Sah R/o + p.o. + P.S.- Sarai Bazar,Distt.-Vaishali
 4. Sri Bishwanath Prasad Gupta S/o Ram Jiwan Sah R/o + p.o. + p.s.- Sarai Bazar,Distt.-Vaishali

... .. Appellants

Versus

1. The State of Bihar through the principal secretary ,Department of Revenue and Land Reforms (Land Acquisition),Bihar,Patna
2. The Additional collector-cum-Arbitrator,Vaishali,Hazipur
3. The District Magistrate,Vaishali,Hazipur
4. The District Land Acquisition officer,Vaishali
5. The National High way authority of India,plot no.- 65,Sector -6,Dwarika,New Delhi-75
6. The project implementation officer ,Govt.of Bihar,N.H.A.I Hazipur,Sharma House,IInd floor,Ramshish chowk,Hazipur,Vaishaliu.Presently at Prabhunath Nagar Chapra

... .. Respondents

Appearance :

For the Appellants	:	Mr. Dhurv Mukherjee, Senior Advocate
		Mr. Karandeep Kumar, Advocate
For the Respondent State:		Mr. Rakesh Ranjan, AC to AAG-12
For the Respondent NHAI :		Mr. S.N.Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 04-01-2018

Heard learned senior counsel for the appellants, counsel for the State as well as counsel for the National Highway Authority of India.

The Court is of the opinion that since there is a statutory forum under Section 34 of the Act, the appellants can very well



invoke the remedy and place all factual and legal aspects before the said authority and demonstrate whether the authority has gone wrong in making an award for compensation for the land acquisition in question.

The appellate authority under Section 34 would be required to apply his mind to all the facts which may be demonstrated before him and not mechanically reproduce the order passed by the original authority.

A prayer is made on behalf of the appellants that an early adjudication should be made by the appellate authority preferably within six months. If these appellants render due assistance to the said authority, the time frame of six months must be maintained. Any delay in preferring the appeal due to pursuing the bonafide legal remedy before the High Court will surely be taken into consideration if the question of delay or limitation arises.

Appeal stands disposed off with the above observations.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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