

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2206 of 2017

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1. Ram Ishwar Singh son of Ram Gahan Singh, resident of village Belsar, P.S. Kaler, District Arwal (Bihar).

.... Petitioner/s

Versus

1. The Union of India, Director Ministry of Road Transportation and National Highway, Government of India, New Delhi.
2. The State of Bihar through the Principal Secretary, Department of Land and Revenue, Government of Bihar.
3. The District Magistrate-cum-Collector, Arwal.
4. The District Land Acquisition Officer, Arwal.
5. The Circle Officer, Kaler, Arwal.
6. The Secretary, National Highway Authority of India.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Respondent/s : Mr. Raj Kishore Roy, GP-18

For the NHAI : Mr. S. N. Pathak, SC NHAI)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-09-2018

Heard learned counsel for the parties.

This writ application has been preferred with a prayer to quash the notification dated 25.08.2014 at Annexure-4, whereby the land of the petitioner has been acquired besides other land under the provisions of National Highways Act, 1956.

Grievance of the petitioner is that the land was residential one; whereas compensation has been decided treating the same as agricultural land. In the counter affidavit filed by respondent Nos.3 to 5, it has been asserted that the compensation was decided after



inspection of the land by a duly constituted committee, which has reported that the land is agricultural one.

Apparently, the petitioner is not satisfied with the determination of amount payable as compensation. In the circumstances, the petitioner has remedy under sub-section (5) of Section 3-G of the National Highways Act, 1956, for getting the matter decided by the Arbitrator appointed by the Central Government. Moreover, the disputed question of fact cannot be gone into in exercise of this writ jurisdiction. Hence, this writ application stands disposed of with liberty to the petitioner to proceed according to law.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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