

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4263 of 2017

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1. Ravi Kumar, S/o Sri Jitendra Sao, Resident of Village- Harnichak, P.S. Phulwarisharif, Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue, Old Secretariat, Patna.
2. The Director, Land Acquisition, Govt. of Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The District Land Acquisition, Officer Nalanda at Biharsharif.
5. The Additional Collector- Cum-Arbitrator, Nalanda at Biharsharif.
6. The Project Director, National Highways Authority of India (Project Implementation Unit), R. Block, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Abhay Kumar, Adv
For the Respondent/s : Mr. Md.Khurshid Alam-AAG12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 24-08-2018

Heard learned counsel for the parties.

2. This writ application has been preferred for a direction to the respondents to dispose of the application of the petitioner contained in Annexure-4.

3. A brief fact of this case is that land of the petitioner was acquired for the purpose of construction of national highway under the provisions of Section 3A of National Highway Act, 1956. Award was decided, treating the acquired land as agricultural land. The petitioner is not satisfied with the award on the ground that land of the petitioner is commercial land, as claimed by the petitioner. The petitioner filed a petition



before the learned Land Acquisition Officer vide Annexure-4 for re-fixation of the award amount, treating the acquired land as commercial land.

4. Apparently, the petitioner is not satisfied with the quantum of award fixed by the competent authority, hence, the petitioner has remedy to move before the Arbitrator under Section 3G(5) of the National Highway Act, 1956.

5. Since the petitioner has statutory remedy and the Writ Court cannot go into appreciation of evidence, let the petitioner move the competent authority, if so advised.

6. If the petitioner moves the Arbitrator within 21 days from today, the limitation, if any, would not come in the way, because the petitioner was prosecuting the matter bonafidely before this Forum.

7. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	NA

