

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1979 of 2017

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1. Arjun Prasad Sah, Son of Late Anokhi Sah
 2. Nirmalaya Sen Gupta, Son of Late Narayan Krishna Sen Gupta
 3. Gopal Krishna Sen Gupta, Son of Late Narayan Krishna Sen Gupta.
 4. Chhanda Sen, Wife of Late Ajit Kumar Sen
 5. Vikham Chandra Agrawal, Son of Late Niranjana Lal Agrawal
 6. Satya Narayan Sah Son of Late Heera Sah
 7. Gopal Purve, Son of Late Narayan Purve
 8. Arun Kumar, Son of Late Asharfi Sah
 9. Jai Prakash Sah, Son of Late Bilal Sah.
 10. Janardan Sharma, Son of Late Ramlakhan Sharma
 11. Gaur Kumar Sen, Son of Late Devendra Nath Singh All are resident of Simarahi, Via + P.S.-Raghopur, District-Supaul.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Road Transport of Highway, Government of India.
2. The Secretary, Department of Road Transport of Highways, Government of India.
3. The Chairman, National Highways Authority of India, New Delhi.
4. The General Manager, National Highways Authority of India, New Delhi.
5. Regional Officer, National Highway Authority, Pant Bhawan, Patna
6. The Project Director, National Highway 57, Darbhanga.
- 6A. The State of Bihar through the Principal Secretary, Department of Revenue & Land Reforms, Govt. of Bihar, Patna.
7. The Commissioner, Koshi Division, Saharsa
8. The District Magistrate-cum- District Collector, Supaul.
9. The Additional Collector, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18
For NHA : Mr. S.N. Pathak, SC, NHA

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

Heard learned counsel for the parties.

The present writ application has been preferred for issuing
a mandamus to the respondents directing them to prepare fresh award



of the land of the petitioners acquired for widening of N.H. 57 under the provisions of National Highways Act, 1956.

Prayer is on the ground that the lands were of commercial category; whereas compensation amount has been decided treating them as residential. Petitioner has statutory remedy to approach the arbitrator under Sub-section (5) of Section 3G of the National Highways Act, 1956. Moreover, the writ Court cannot collect and assess the evidence to ascertain whether the acquired land is residential or commercial.

Hence, this writ application stands disposed of with liberty to the petitioners to move before the appropriate authority. The arbitrator shall decide the matter as early as possible.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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