

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4489 of 2017

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1. Hari Mohan Mishra Son of Late Mukhraj Mishra, Resident of Village + Post-Yogiyan Viya-Arak, P.S. Brahmapur, District-Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Buxar,
4. The Land Acquisition Officer, Buxar.
5. The Deputy Collector, Land Reforms, Buxar,
6. The Circle Officer, Brahmapur, Buxar.
7. Ramashankar Mishra,
8. Nirmal Kumar Mishra,
9. Om Prakash Mishra, All are Sons of Late Rajgrih Mishra.
10. Shanker Dayal Mishra, Sono f Late Bhuvneshwar Mishra.
11. Hari Shankar Mishra,
12. Vijay Shankar Mishra,
13. Karuna Shankar Mishra,
14. Kripa Shankar Mishra,
15. Dharmendra Mishra
16. Dilip Kumar Mishra, All are Sons of Late Rambachan Mishra,
17. Lalan Jee Mishra, Son of Late Balbhadra Mishra,
18. Baban Jee Mishra, Son of Late Daroga Mishra,
19. Dhananjay Mishra,
20. Gopal Jee Mishra, Both are Sons of Late Jagarnath Mishra,
21. Mritunjaya Mishra, Son of Late Nanakhu Mishra, All are Resident of Village-Post-Yogiya Viya-Arak, P.S. Brahmapur, District-Buxar.
22. Project Director, N.H.A.I. P.I.U, Buxar/Patna, Srikrishnapuri.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Respondent/s : Mr. Raj Kishore Roy, GP-18
For the NHA I : Mr. S.N. Pathak, SC, NHA I

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the parties.

Land of the family of the petitioner was acquired under the



provisions of National Highways Act, 1956 and compensation amount was decided. However, grievance of the petitioner is that vide order dated 18.02.2017, under challenge in this writ application, passed in Land Acquisition Case No.05-06/2016, the Land Acquisition Officer, Buxar, has rejected the claim of the petitioner to have share in the land and has directed that compensation shall be paid to other claimants and not to the petitioner. Apparently, the petitioner is aggrieved with the refusal of apportionment of the amount of compensation.

Section 3H(4) of the National Highways Act 1956 reads as follows:

“If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

In the present case instead of following the aforesaid procedure, the Land Acquisition Officer has himself decided the matter declining the claim of the petitioner, which is against the aforesaid statutory provision. Hence, the impugned order is set aside and the Land Acquisition Officer, Buxar, is directed to immediately refer the matter under the aforesaid provisions to the Principal Civil



Court of original jurisdiction.

With the aforesaid observation, this application stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2018
Transmission Date	

