

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8577 of 2019

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Upendra Narayan Singh, Son of Late Daroga Singh R/o Village-Ramdiri Tola-Loverchak, P.S. Matihani, District-Begusarai, at present residing at Mohalla-Pokharia, Bari Pokhar, Near L.I.C. Office, P.S. Begusarai, District Begusarai

... .. Petitioner/s

Versus

1. Union of India through Secretary, Department of Road Transport and Highway, Ministry of Shipping, Road Transport, Government of India, New Delhi
2. The Chairman National Highway Authority of India Corporation, 5 and 6 Sector-10, Dwarka, New Delhi
3. Regional Officer National Highway Authority, Bihar, D-63, First Floor, Rajesh Kumar Path, S.K. Puri, Patna
4. The Executive Engineer National Highway Division, Road Construction Department, Khagaria
5. The Project Director National Highway Authority, Project Instrument Unit, Harpur, P.O. and P.S.-Tilrath, Dist-Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh Mr. Sanjeev Kumar Singh
For the UOI	:	Mr. S.D. Sanjay (Addl. Solicitor General) Mr. Arvind Kumar Tewary, CGC
For the N.H.A.I.	:	Mr. S.N. Pathak, SC

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-04-2019 Following is the relief, which the petitioner is seeking:-

“That, this writ application is for issuance of writ of MANDAMUS or any other proper writ/writs, order/orders, directing the Respondents to remove encroachment or to make payment of construction of NH-31 under National Highway Authority of India, Ministry of



Road Transport and Highway (hereinafter called as NHAI) near Amardeep Cinema Hal, Begusarai within 227 K.M. of N.H.-31 over the petitioner's land appertainign to Khata No. 29, Plot No. 79 and 80 and area 5 decimals without taking his consent and without acquiring the land, the Respondents encroached upon the petitioner's land by shifting towards upon the petitioner's land and constructed a portion of N.H.-31, Road, beyond the acquired land for this purpose.

The further prayer is for directing to the concerned Respondents to remove the encroachment or to take resort to land acquisition proceeding by adopting due legal procedure under Land Acquisition Act and pay the due compensation along with damages and solitium etc. with interest till the date of payment.”

It has been stated in paragraph 11 of the writ application that the petitioner had sent a legal notice under Section 80 of the Civil Procedure Code, 1908, to the Secretary of the Department of Road and Transport, Government of India, the Chairman, National Highway Authority of India, Road Division, Bihar Project and other concerned persons on 25.07.2008.

Since the petitioner has invoked the provisions of



Section 80 of the Civil Procedure Code, 1908, this writ application under Article 226 of the Constitution cannot be maintained and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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