

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8144 of 2019

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Gopal Kumar Son of Late Ram Prit Singh Resident of Village-Padampur
Cheran, P.S. Harnaut, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, Nalanda.
2. District Collector, Nalanda.
3. Deputy Collector Land Reform Department, Biharsharif, Nalanda.
4. District Land Acquisition Officer, Biharsharif, Nalanda.
5. Circle Officer, Harnaut, Biharsharif, Nalanda.
6. Secretary, Ministry of Road Transport and Highways, New Delhi.
7. Regional Officer, Ministry of Road Transport and Highways, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vivek Anand Amritesh Mr. Nishant Kumar Jha
For the Respondent/s	:	Mr. Raj Kishore Roy (GP-18)
For the U.O.I.	:	Mr. Arbind Kumar Tiwary.
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 24-04-2019 The petitioner's land is said to have been acquired under the provisions of National Highways Act, 1956. He has been paid the amount of compensation against such acquisition, treating his land to be agricultural (two-crops).

It is the claim of the petitioner that the nature of the land is residential and, therefore, he is entitled for more amount of compensation than what has been paid to him.

There are two reasons why this Court cannot entertain this writ application. Firstly, the Court exercising the power



under Article 226 of the Constitution of India, does not have judicially determinable parameters to record a finding that the nature of the land of the petitioner is residential and not agricultural. Secondly, the petitioner has statutory alternative remedy under Section 3-G (5) of the National Highways Act, 1956, by making an application in accordance with the provisions therein.

This application is, thus, disposed of with the observation that the petitioner shall be at liberty to invoke statutory remedy, if the same is otherwise legally available to him.

(Chakradhari Sharan Singh, J)

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