

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11391 of 2019

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1. Mukha Sah Son of late Jangi Sah, Resident of Village- Dhankadha, Post-Dhaudadh, Police Station- Sasaram(M), District- Rohtas.
 2. Raman Sah, Son of Ramadhar Sah, Resident of Village- Dhankadha, Post-Dhaudadh, Police Station- Sasaram(M), District- Rohtas.
 3. Soni Devi, Wife of Simpu Kumar, Resident of Mohalla- Kath Toli, Police Station- Sasaram(M), District- Rohtas.
 4. Anil Singh, Son of Lachchhan Singh, Resident of Village- Dhankadha, Post-Dhaudadh, Police Station- Sasaram(M), District- Rohtas.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary Road and Construction Department, Government of Bihar, Patna.
2. The Project Director, National Highway Authority Sasaram, Rohtas.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Land Acquisition Officer, Rohtas at Sasaram.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-06-2019 Following is the relief, which the petitioners are seeking :-

“For issuance of the appropriate writ, writs, order/orders as direction/directions for quashing the part dated 30.07.2018 and the order dated 13.12.2018 passed by the competent authority-cum-District Land Acquisition Officer, Rohtas, by which the Award prepared for compensation amount of the land of petitioners situated in Mauza-Kachanpur, Thana No.235, Khata No.46, Plot No.213, has been acquired by the respondent authority for conservation of the 6 lane of N.H. 2, and also for direction to the respondent authorities for fixation of the compensation amount as per the higher-average value of the acquired land



which has been earlier fixed by the District Land Acquisition Officer, Rohtas at Sasaram passed in Case No.09/16-17 and subsequently pay the compensation amount with statutory interest.”

In my view, this writ application is premature. If according to the petitioners, the rate, at which the amount of compensation is being paid to them against acquisition of their land, is less than what they are entitled to, they have statutory remedy under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. There being alternative statutory effective remedy available to the petitioners, I am not inclined to entertain this writ application under Article 226 of the Constitution of India.

This writ application is disposed of with the observation that the petitioners shall be at liberty to raise their objection before appropriate forum in accordance with law.

I have not gone into the merit of the case nor have I made any observation on the question of petitioners' entitlement of the amount of compensation.

This writ application stands disposed of.

(Chakradhari Sharan Singh, J)

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