

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17238 of 2016

1. N. H. 82 Sangharsh Samiti, Punawan through President
2. Suresh Yadav, S/o Kanhai Yadav, President
3. Om Prakash, S/o Mahesh Prasad, Secretary
4. Vijay Kumar, S/o Ganauri Mahto, Member
5. Raj Kumar Singh, Member S/o Late Punya Dev Singh,
6. Anil Rajak, Member, S/o Jai Ram Rajak, All are R/o Village Punawan, P.O. P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The Union Of India through Ministry of Transport, New Delhi
2. The Ministry of Transport, Union of India, New Delhi.
3. The Project Director, N.H.A.I. N.H.- 82, Bihar, Patna.
4. The State of Bihar
5. The Principal Secretary, Road Construction Department, Bihar, Patna.
6. The Engineer in Chief, Road Construction Department, N.H. Division, Bihar, Patna.
7. The District Magistrate, Gaya.
8. The District Land Acquisition Officer, Gaya.
9. The Circle Officer, Wazirganj, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Raj Kishore Roy-GP-18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-02-2019 Heard learned counsel for the parties.

2. The petitioners are seeking a direction to the respondents to pay compensation against acquisition of land for construction of N.H.-82 at the commercial rate, i.e., Rs. 1,56,424/- per decimal which according to the petitioners has



been fixed by the revenue authorities.

3. The determination of the amount of compensation as done by the Land Acquisition Officer according to the petitioners, is not acceptable to them. This writ application has been filed on behalf of the so-called N.H.-82 Sangharsh Samiti, Punawan and six other persons. The State of Bihar has taken a correct stand that petitioner no.1 does not have any *locus standi* to maintain this writ application which is not even a registered society.

4. So far as the grievance of the petitioners in respect of determination of the amount of compensation is concerned, they have remedy under Section 3G(5) of the National Highways Act, 1956 by way of approaching the competent authority/Arbitrator. It is the case of the petitioners that they have approached the District Land Acquisition Officer by making representation which has been brought on record by way of Annexure-1 to this writ application. There are altogether five persons who are said to have filed the said representation on 03.10.2013.

5. Considering the facts and circumstances, this writ application is disposed of with the observation that if the said representation dated 03.10.2013 is found to have been filed by



some of the petitioners before the Land Acquisition Officer, Gaya, he will be required to transmit the same to the competent authority/Arbitrator under Section 3G(5) of the National Highways Act, 1956 for the purpose of determination. The court expects expeditious resolution of the dispute of the petitioners by the competent authority/Arbitrator.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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