

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10914 of 2019

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Jai Prakash Singh Son of Raj Kumar Singh R/O Village- Bamhaur, P.S.- Shiv Sagar, Distt- Rohtas (Sasaram)

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Road Transport and Highways Department, New Delhi.
2. The Secretary Ministry of Road Transport and Highways Department, Government of India, New Delhi.
3. The Project Director National Highways Authority of India, Rohtas (Sasaram).
4. The State of Bihar Through the Secretary, Road Construction Department, Bihar, Patna.
5. The Secretary Road Construction Department Government of Bihar, Patna.
6. The District Magistrate Rohtas (Sasaram)
7. The Competent Authority cum District land acquisition Officer Rohtas (Sasaram).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Murari Mishra
For the State	:	Mr.Raj Ballabh Pd. Yadav (AAG-11)
		Ms. Archana AC to AAG 11

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-05-2019 Though, the case has been listed with office notes, pointing out certain defects, considering the nature of dispute involved, ignoring the said defects, I have proceeded to dispose of the writ application on merits, after hearing the learned counsel for the parties.

The petitioner has a grievance that his land has been acquired for widening a national highway under the provisions of the National Highways Act, 1956 (for short ‘the Act of 1956’)



and the compensation payable to the petitioner against the said acquisition has been determined, treating the land to be agricultural, whereas the nature of the land, according to the petitioner, is commercial.

In my opinion, the petitioner has alternative statutory remedy under Section 3-G(5) of the Act of 1956, which he can invoke.

The writ application is accordingly disposed of with the observation that the petitioner shall be at liberty to make an application by taking recourse to Section 3-G(5) of the Act of 1956.

(Chakradhari Sharan Singh, J)

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