

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10869 of 2019

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Mantu Kumar Son of Late Ramchandra Singh Resident of New Yarpur, Janta Road, P.S.- Gardanibag, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Land Acquisition Officer, Patna.
2. Chief Secretary, Govt. of Bihar, Patna.
3. District Magistrate cum Collector, Patna.
4. Competent Officer cum District Land Acquisition Officer, Patna.
5. Addl. Collector, Patna cum Arbitrator, Under NHAI Act, Patna.
6. National Highway Authority of India, through its Project Director, Bihar, Project Implementation Unit, D/63 Sri Krishnapuri, Patna.
7. Project Director, Bihar Project Impelementation Unit, National Highway Authority of India, D/63 Sri Krishnapuri, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10953 of 2019

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Mantu Kumar S/o Late Ramchandra Singh Resident of New Yarpur, Janta Road, Ps.- Gardanibag, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through District Land Acquisition Officer, Patna
2. Chief Secretary Govt. of Bihar, Patna
3. District Magistrate cum Collector Patna
4. Competent Officer cum District Land Acquisition Officer Patna
5. Addl. Collector Patna cum Arbitrator under NHAI Act, Patna
6. National Highway Authority of India through its Project Director, Bihar, Project Implementation Unit, D/63 Sri Krishnapuri, Patna
7. Project Director Bihar, Project Implementation Unit, National Highway Authority of India, D/63 Sri Krishnapuri, Patna

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 10869 of 2019)

For the Petitioner/s : Mr.Prabhat Ranjan Singh

For the State : Raj Kishore Roy (GP-18)

For the NHAI : Mr. Kumar Goutam

(In Civil Writ Jurisdiction Case No. 10953 of 2019)

For the Petitioner/s : Mr.Prabhat Ranjan Singh



For the State : Mr.Md.Khurshid Alam (AAG-12)
For the NHAI Mr. Kumar Goutam

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 26-06-2019 Both the writ applications have been filed by the same petitioner. He is seeking a direction to the respondents to ensure revised amount of compensation against the acquisition of his lands, described as under in paragraph 4 of CWJC No.10869 of 2019 and CWJC No.10953 of 2019, respectively:-

“Name of revenue village-Pakri, Thana-Phulwari Sharif, Thana No.31, Tauzi No.5075, Khata No. 44, Survey Plot No.292, Area-2 Katha” (CWJC No.10869/19).

Name of revenue village-Nathpur, Thana-Phulwari Sharif, Thana No. 109, Tauzi No. 5648, Khata No. 224, Plot No.368, Area-2 Katha.” (CWJC No.10953/19)

It is the petitioner’s case that the aforesaid lands were acquired by the National Highways Authority of India under the provisions of the National Highways Act, 1956 (for short ‘the Act of 1956’).

It seems that on an objection being raised on behalf of the petitioner, the matter had travelled upto the Arbitrator under Section 3-G(5) of the Act of 1956. The petitioner claims that the



award was prepared, treating his lands as agricultural lands by the competent authority, which was affirmed by the Arbitrator also. The petitioner had challenged the award of the Arbitrator, by filing miscellaneous cases, which has been decided in his favour, holding the nature of the lands, so acquired as residential by an order dated 16.08.2018, which have been brought on record by way of annexures to the writ application. It is accordingly the petitioner's case that he is entitled for the amount of compensation in the light of the orders of the learned Additional District and Sessions Judge-VIII, Patna dated 16.08.2018 passed in Misc. Case No. 98 of 2016 and Misc. Case No. 99 of 2016.

It has been informed that an appeal has been preferred against the said orders passed in the said Misc. Case Nos.98 of 2016 and 99 of 2016 before this Court, registered as Misc. Appeal No.1010 of 2018 and Misc. Appeal No.1011 of 2018, which has not been disputed by the learned counsel for the petitioner.

In the light of above, no relief which the petitioner is seeking in the present proceedings, can be granted. The petitioner shall be at liberty to take recourse to appropriate statutory remedy, depending on the decision in the appeal,



preferred against the orders passed by the learned Additional District and Sessions Judge-VIII, Patna in Misc. Case No. 98 of 2016 and Misc. Case No. 99 of 2016.

Both the writ applications are accordingly disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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