

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 23148 of 2019

1. Ashok Kumar, aged about 34 years (Male) Son of Late Ramdas Prasad Resident of Village- Shahpur, P.S.- Aurangabad (T), District- Aurangabad (Bihar).
2. Santosh Kumar, aged about 31 years (Male) Son of Late Ramdas Prasad Resident of Village- Shahpur, P.S.- Aurangabad (T), District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through its General Manager cum Project Direction Project compliance Unit National Highway authority of India, Varanasi Zone (U.P.).
2. The General Manager Cum Project Director Project compliance Unit National Highway Authority of India, Varanasi Zone (U.P.).
3. The State of Bihar
4. The Director Land Acquisition, Government of Bihar, Patna.
5. The Collector Aurangabad (Bihar).
6. The District Land Acquisition Officer Aurangabad (Bihar).
7. The Competent Authority cum L.R.D.C. Aurangabad (Bihar).
8. Usha Singh Wife of Late Ram Rekha Singh Resident of Village- Shahpur, P.S.- Aurangabad (T), District- Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh and Mr. Vijay Kumar, Advocates
For the State	:	Mr. Md. Khurshid Alam, AAG 12
For the NHAI	:	Mr. Anshay Bahadur Mathur and Mr. S. N. Pathak, Advocates

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-12-2019

Learned counsel for the petitioners; learned AC to AAG 12 for the State; learned counsel for the National Highway Authority of India (hereinafter referred to as the 'NHAI') and learned counsel for the Union of India have assisted the Court.



2. The petitioners have moved the Court for the following reliefs:

“I. For issuance of writ in the nature of mandamus commanding the respondent to give notice under section 3G of NH Act 1956 to the petitioners who are bonafide raiyat of the land in question.

II. For further direction(s) to the authority concern to pay adequate compensation to the petitioners.

III. For passing any other order(s) direction(s) or appropriate writ(s) in the facts and circumstances of the instant case.”

3. Basically, the grievance of the petitioners is that despite land appertaining to Khata No. 102, Plot No. 3027, admeasuring 194 sq. metres, in Mauza- Shahpur, Thana No. 566, in the district of Aurangabad which has been used for construction of National Highway-2 on the Grand Trunk Road, neither the proceedings were started in their name nor the award has been prepared in their name. The stand is that their father had purchased the land, which is a part of a larger area of 10 decimals, in the year 1979 and the same was also mutated in his name. It was submitted that in January, 2013, their father died leaving them as heirs and they were coming in peaceful possession of the land in question but a portion of the same was acquired and them representing before the Collector, Aurangabad as well as the competent authority-cum-LRDC, Aurangabad, award was



prepared in favour of Ram Rekha Singh whose wife is respondent no. 8 in the present proceeding.

4. Learned counsel for the Union of India and NHAI submitted that under the National Highways Act, 1956 (hereinafter referred to as the 'Act'), the petitioners still have a remedy despite the award being prepared in the name of another person to move under Section 3-H(3) of the Act.

5. In view thereof, learned counsel for the petitioners submitted that the writ petition be disposed off with liberty to the petitioners to move before the competent authority under the aforesaid Section of the Act.

6. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioners to file a detailed representation before the competent authority under Section 3-H(3) of the Act, enclosing all relevant materials in support of their claim. If the same is done within four weeks from today, the competent authority, who learned counsel for the NHAI submitted is the Collector, Aurangabad (respondent no. 5), he shall look into the matter and dispose off the same by hearing all interested parties expeditiously and latest within two months of filing of the representation before him. If it is held that the petitioners are entitled to the compensation for the land in question, the amount



shall be paid to them within one month from the date of passing of the order by the Collector, Aurangabad.

7. For the ends of justice, the Court deems it appropriate to direct that the amount of compensation, as per the award prepared, if already not paid, shall not be paid to any person till the time the matter is decided by the Collector, Aurangabad in terms of the direction issued hereinabove.

8. Learned counsel for the petitioners shall communicate the order to the Collector, Aurangabad for compliance.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

