

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23137 of 2018

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Ajay Chaubey Son of Late Nishi Kant Chaubey, Resident of Mahalla- Sohni Patti, Ward No. 21, P.S.Town-Buxar, District-Buxar/Social-Activist.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highways, New Delhi.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and land Reform department government of Bihar Patna.
4. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
5. The District Magistrate, Buxar.
6. The Land Acquisition Officer, Buxar.
7. The Superintending Engineer, NHAI, Buxar.
8. The Executive Engineer, Division N.H. Palus.
9. The Circle Officer, Buxar.
10. The Circle Officer, Dumraon, Buxar.
11. The Circle Officer, Simri, Buxar.
12. The Circle Officer, Brahampur, Buxar.
13. The District Registrar, Buxar.
14. The Project Manager, PNC Infratech Limited Bhojpur, Buxar Project, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate Mr. Lakshmi Kant Sharma, Advocate
For the Respondent/s	:	Mr. Lalit Kishore- AG. Mr. S.D. Sanjay, Addl. S.G. Mr. Rajesh Kumar Verma, Asst. S.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 03.12.2018 is listed for hearing
for the first time today before the Court.



Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner has prayed for the following relief:

“i) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the extra-ordinary Gazette notification published on 04.11.2009 and further on 13.05.2010 and newspaper circulation made on 06.12.2009 and 19.06.2010 whereby a general notice was circulated for acquisition of land for construction of found lane roads/widening of National Highways no. 84 for 34.985 km. To 73.165 kms under Patna-Buxar section however said notification is circulated without following the rule and provision of land Acquisition Act and Rules and the National Highways Act and on the strength of said notifications without completing the land Acquisition process; large nos of farmers have already been disposed from their lawful possession without hearing their objection regarding nature categorization alternatively respondent authority may be directed to dispose off the objection filed by the beneficiary regarding their interest but in absence of any arbitrator in the District of Buxar those objection raised by different land holder have not been redressed and accordingly respondent may be directed to appoint arbitrator for disposal of objections by following the rule of Arbitration and conciliation Act under section 3G, 5 and 6 of NH



Act 1956 of land, amount of compensation, area of acquired land etc.

ii) For issuance of appropriate writ/writs, order/orders direction/directions for commanding the respondent authorities especially respondent no. 3, 4, 5 and 1 to firstly complete the process of land Acquisition and making payment of compensation amount to the Land Holder/framers as per rules regulations and provisions and not used the police power for violating the terms and conditions of land Acquisition process and not to misuse the power vested with the respondent authorities with respect to acquisition of land.

iii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to not to continue with the constructions work of widening/construction four lane roads on NH-84 Patna-Buxar Section of Highway uptill completion of land acquisition process on flank of the road in question without addressing grievance of land holder regarding area, amount of compensation, area of acquisition etc.

iv) For issuance of appropriate writ/writs, order/orders, direction/directions to initiate a fresh land acquisition proceedings by following the Rule incorporated in Section 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H of National Highway Acts and after completion of proceedings as per section 11 of land acquisition act and section 24(I-a) of Land Acquisition Rehabilitation and Resettlement Act



and after making appointment of Arbitrator land acquisition proceeding may be completed and merely by fulfilling the criteria as incorporated in section 23 and also following the requirement of section 19(1), 21 and 23 of Act created a plot wise categorization of proposed acquired land thereafter decided the market value of the land and prepared the award and made payment of compensation to the concerned land holder and in the meantime present land acquisition proceeding and consequential action may be stayed.

v) For any other relief/reliefs for which petitioner is found entitled in the eye of law and in the facts and circumstances of the present case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available



in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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