

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 862 of 2020

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Ranjeet Kumar, Aged about 35 years, Gender-Male, Son of Raj Kumar Choudhary, Resident of Village- Kaptanpada, P.O.- Khuskibag, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary National Highways Authority of India.
2. The Director and Acquisition Department Bihar, Patna Office at Secretariat, Patna.
3. The District Magistrate, Purnea, District- Purnea.
4. National Highway Authority of India N.H.-131 A, Purnea, Block - Naranpur, District- Purnea.
5. The Additional Deputy Collector, Purnea, District- Purnea.
6. The District Land Acquisition Officer, Purnea, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Shashi Shekhar Kishore and Mr. Jai Raj Datta Prasad, Advocates
For the State	:	Mr. Subash Chandra Yadav, GP 15 Mr. Rakesh Kumar Shrivastava, AC to GP 15

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

ORAL JUDGMENT

Date : 20-01-2020

Heard learned counsel for the petitioner; learned AC to GP 15 for the State and learned counsel for the National Highways Authority of India (hereinafter referred to as the 'NHAI').

2. The petitioner has moved the Court for the following reliefs:

“1) Issuance of a direction/order/writ including writ in the nature of a writ of Mandamus/Certiorari to quash the memo No. 1032 dt. 11.10.2019 passed by learned District Land



Acquisition Officer, Purnea by which petitioner was informed by the District Land Acquisition Officer, Purnea that their representation for consideration that there land belongs to commercial land has been rejected and the District Magistrate, Purnea as well as to quash the decision of committee headed by the District Magistrate, Purnea (though the copy of decision has not been provided to the petitioner). Pertaining to land situated at Mauza Raipur, Thana No. 68, Khata No. 156 and Khesra No.- 161, 161, 162, 162, 163 awarded total amount of Rs. 30,22714 considering residential land contrary to the fact that the land belongs to commercial land total award would be Rs. 1,00,60,174/-.

In view of the fact that the decision passed by the committee is against the basic principles of Bihar Land Acquisition & the committee did not considered the matter related MVR (Market Valuation Rate), Contracted structure & other things in the said land in question.

II) Issuance of a direction(s) /order(s) /writ(s) to which the petitioner may be found entitled to in the facts and circumstances of the case.”

3. At the very outset, learned counsel for the NHAI submitted that the petitioner being aggrieved by the quantum of compensation for his land acquired, has a statutory remedy of approaching the Arbitrator in terms of Section 3G(5) of the National Highways Act, 1956. It was further submitted that the Arbitrator has been appointed by the Central Government and is the Commissioner of the concerned division.

4. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to move before the



Arbitrator/Divisional Commissioner in terms of the aforesaid
statutory provision.

(Ahsanuddin Amanullah, J.)

P. Kumar

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