

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16261 of 2018

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Brijnandan Singh Son of Late Rameshwar Rai, resident of Village-
Jahangirpur, P.S.- Sonapur, District- Saran. Presently residing at Mohalla-
Beur More C/o Radhakrishna Market, P.S.- Phulwari, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
3. District Collector cum Magistrate, Saran.
4. District Land Acquisition Officer, Saran.
5. A.D.M. Saran, Capra.
6. S.D.O. Sonapur, Saran.
7. Circle Officer, Sonapur, Saran.
8. National Highway Authority of India, Regional Office, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Mishra, Adv.
For the State	:	Mr.Raj Kishore Roy, GP-18
For the NHAI	:	Mr. S.N. Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 23-11-2021

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

2. The present writ petition has been filed for the
following reliefs as formulated by the petitioner-

*“1(I) To direct the respondent authorities to make
sufficient, adequate and satisfactory payment as
compensation with compound interest on delay payment to
the petitioner as per the new rule of land acquisition in the
light of judgment of Hon’ble High Court as well as Hon’ble
Apex Court.*



In view of the facts the land building of petitioner has been acquired for construction of N.H. 19 four lane Road from Hajipur to Chapra situated at Plot No. 22, Khata No. 107 village Jahangirpur P.s. Sonapur District Saran and the works of construction is in progress but compensation has not been paid to the petitioner due to malafide intention and oblique reason.

(II) To provide compound interest on delay payment.

(III) To impose heavy cost upon erring authorities and also departmental proceeding must be initiated upon them.

(IV) Any other relief/reliefs for which the petition is entitled for.”

3. At the very outset, learned counsel for the respondent NHAI appears and raises a preliminary objection to the effect that an alternative remedy is available to the petitioner with regard to insufficiency of the compensation amount as determined, by way of arbitration in terms of Section 3G (5) of the National Highways Act, 1956.

4. Learned counsel for the petitioner does not dispute the above proposition.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. The writ application stands dismissed.



7. Needless to say, the petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.

8. It is made clear that if the petitioner approaches the appropriate forum, the concerned authority/forum would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2021
Transmission Date	

