

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6086 of 2020

1. Ram Pravesh Thakur, Son of Rajendra Thakur,
2. Shyam Kishore Thakur, Son of Niranjana Thakur
Both are Residents of Village-Ekari Chorout, Ward no.13, P.O.-Susatpur,
Block-Madhawapur, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar Patna.
2. The District Magistrate, Madhubani.
3. The District Magistrate, Madhubani.
4. The Project Director, N.H.-1, Madhubani-Darbhangha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Narayan Mahto, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25
		Mr. Arif Daula Siddique, AC to SC-25
For the NHAI	:	Mr. S.N. Pathak, SC

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 25-11-2021

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

2. The present writ petition has been filed for “issuance of writ (s), order (s), direction (s) to the Respondents to make the payment of compensation of land as commercial rate being Khata No.99, L.A. No. 31, Plot No. (Khesra no.) 115, total area coverage 14.83 decimal which is private commercial land and which has been acquired by Govt. for widening of N.H-527-527- ‘C’ which has been published in Newspaper, Hindustan and Dainik Jagran on 29.10.2017 and all procedure has been completed and only



residential land compensation notice has been issued on 01.09.2018 by which information has given to compensation of land will be paid on 19.09.2018 on the ground of petitioner has submitted all documents with regard to same land which is commercial and petitioner's son namely Pawan Kumar has open the shop factory namely Jai Tara Udyog of that very land and return has paid since 2014, 2015, 2016 but the same has not been paid to the petitioner and further give the direction to make the total compensation of land as commercial rate with 18% interest representation before the authorities which is pending till today".

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 petitioners 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 petitioners shall be at liberty to seek remedy before the appropriate forum as may be available to them in accordance with law.

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

(Vikash Jain, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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Transmission Date	N.A.

