

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13957 of 2017

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Usha Devi Wife of Ganesh Prasad @ Ganesh Prasad Sah, resident of Village Jahangirpur, P.S. Sonapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. District Magistrate cum Collector, Saran.
3. District Land Acquisition Officer, Saran.
4. A.D.M. Saran at Chapra.
5. Circle Officer, Sonapur, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Mishra, Adv.
For the State	:	Md. Khurshid Alam- AAG12
		Ms. Nutan Sahay, AC to AAG12
For the NHAI	:	Mr. S.N. Pathak, SC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 23-11-2021

The original affidavited supplementary counter affidavit on behalf of respondent nos. 2 & 3 has been furnished in Court today, which is placed on record.

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

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

“1(I) To direct the respondent authorities to provide full and appropriate compensation for the acquisition of house as per the highest rate of government as well as in the light of the judgment of Hon’ble Supreme Court regarding the payment of compensation must be adequate, Sufficient and satisfactory as 100% compensation of acquired house.

In view of the facts the house of petition has been acquired for construction of N.H.19 four Lane Road bearing Khata No. 92 Khesara No. 47 mauza Jahangirpur, Sonapur and compensation has been



*paid only for a part of 65% whereas house became useless after the acquisition hence compensation for 35% must be paid for the ends of justice.
(II) To provide compound interest on delay payment.
(III) To impose heavy cost upon respondent concerned.
(IV) Any other relief/reliefs for which the petitioner is entitled for.”*

4. At the very outset, learned counsel for the N.H.A.I., a necessary party, who is present in Court, submits that the present writ petition relates to acquisition of land with house of the petitioner which has been acquired under the National Highways Act, 1956, but the N.H.A.I. has not been made party respondent. In any event, it is submitted that the grievance of the petitioner with regard to adequacy of compensation is amenable to arbitration under Section 3G (5) of the National Highways Act, 1956.

5. Learned counsel for the petitioner has not disputed the above proposition.

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

7. The writ application stands dismissed.

(Vikash Jain, J)

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

