

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5582 of 2020

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Mohan Das, aged about 75 years (male), Son of Late Nasib Lal Das Resident of Village-Ward NO. 11, Rarahia P.S. Laukahi, District-Madhubani.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary National Highway Govt. of India New Delhi.
2. The Director Indian National Highway Authority New Delhi.
3. The Principal Secretary Department of Revenue and Land Reforms Govt. of Bihar, Patna.
4. The Collector Madhubani.
5. The Land Acquisition Officer Cum Competent Authority National Highway Madhubani.
6. The Additional Collector Cum Arbitrator National Highway.
7. Sri Deepak Sah Son of Liladhar Sah Resident of Village-Narahiya, P.S. Laukahi, District-Madhubani
8. Smt. Shivi Kumari Daughter of Liladhar Sah Resident of Village-Narahiya, P.S. Laukahi, District-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the State	:	Mr.Sajid Slaim Khan (SC25) Mr. Arif Daula Siddiqui, SC to SC25
For the NHAI	:	Mr. S.N. Pathak, SC

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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) That this is an application for issuance of an appropriate writ(s), order(s), direction (s) directing the respondent authorities to release/grant compensation of Kheshra No. 7629 having its area 6 decimal to the petitioner



which has been acquired by the respondent authorities for construction of N.H. 57 after demolition of house of petitioner alongwith statutory interest and to grant any other consequential benefits to the petitioner for which petitioner may found entitled in an accordance with law.”

3. At the very outset, learned counsel for the State as well as learned counsel for the N.H.A.I. submit that arbitration proceeding under Section 3G (5) of the National Highways Act, 1956 is already ongoing and in view of Section 3H (4) of the said Act, the dispute which relates to apportionment of the amount in the petitioner’s case is liable to be referred to the decision of the principal civil court of original jurisdiction.

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

5. In the above circumstances, this Court is not inclined to interfere in the matter.

6. 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	

