

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15763 of 2016

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Santosh Kumar Singh @ Santosh Singh son of Late Brind Singh resident of
Village- Bairamchak, P.S.- Mashaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, National Highway and Surface Transport Department, Central Secretariat, New Delhi.
2. National Highway and Surface Transport Department through its Secretary, Central Secretariat, New Delhi.
3. The District, National Highway Authority of India, Dwarika, Delhi.
4. Regional Officer, National Highway Authority of India, S.K.Puri, Patna.
5. The Project Director, National Highway Authority of India, S.K. Puri, Patna.
6. The State of Bihar through its Principal Secretary, Road Construction Department, Government of Biha
7. The District Magistrate, Patna.
8. The District Land Acquisition Officer, Patna.
9. The Anchal Adhikari, Mashaurhi, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate
For the Respondent/s : Mr.Shushil Kumar- GP-22

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-03-2021 Petitioner has prayed for the following relief(s):

“i. For the issuance of appropriate writ/order or directions for directing and commanding the respondent authority to fix proper compensation/value i.e. four times of his land bearing Plot No.-188, Khata No-11, an area of 33



decimals as well as Plot No-192, Khata no.-11, an area of total 44 decimals in Mauja Bairamchak, Anchal and P.S.-Mashaurhi, district – Patna situated on NH-83 known as Patna-Gaya-Dobhi road upon which shops/hotel, pucca room are existing since long and same is commercial area and pay compensation accordingly in accordance with law.

ii. For the issuance of appropriate writ/order or direction for commanding and directing the respondent authority to declare/publish the land of the petitioner bearing plot No.-188, 192 under Khata No.-11, thana No.-252 situated in Mauja-Bairamchak as Nij/commercial in the Gazette of India in place of agricultural on the ground that the publication of the Gazette in the daily newspaper was made without verifying the spot verification.

iii. For the issuance of appropriate writ/order or directions for restraining the respondent authority from acquiring the petitioners building in the name of agricultural land with wrong projection of Khata No.-11, plot No-188 and 192 situated on N.H.83, in Mauja-Bairamchak under Mashaurhi Police station, district – Patna and also commanding the respondents to modify in the alignment in consideration of the petitioners claim.

iv. For the issuance of appropriate writ/order or directions for commanding the respondents to allow the petitioners to raise objection in L.A. Case no.- 62/2013-14 on the ground that the land of the petitioner shown in Gazette of India as Agricultural instead of commercial upon which the building is existing but in the notice, with respect of Plot No.-



192 compensation of Rs.680273.71/- and for plot No-188 compensation of Rs.596079.33/- have been fixed under section- 3G of the National Highway Authority Act, 1956 of agricultural land without considering the proper claim of the petitioner.

v. For the issuance of any other relief/relief(s) for which the petitioner is entitled to in the facts and circumstances of the present case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to initiate proceedings under the provisions of National High Way Authority Act, 1956.

Permission granted, clarifying that the initiation/pendency of such petitions/proceedings shall not come in the way of early completion of the project and no Court other than the Constitutional Court, shall pass any interim order staying the operation of the project in a petition preferred by the present writ petitioner.

Needless to add, the issue of delay is left open and shall be considered by the appropriate Court in an appropriate proceedings, accounting for the pendency of the present petition.

Petition stands dismissed as withdrawn with the above observations and directions.



Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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