

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5551 of 2020

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Vikash Kumar, Son of Sri Shatrughan Prasad Singh, Resident of Village-
Rajla, P.S.-Kurhani, District-Muzaffarpur.

... .. Petitioner

Versus

1. The Union of India through the Ministry of Road Transport and Highways, Parivahan Bhawan.
2. The Secretary National Highways Authority of India Headquarters G-5 and 6, Sector-10, Dwarka, New Delhi.
3. The Divisional Commissioner, Tirhut, Muzaffarpur.
4. The District Magistrate, Muzffarpur
5. The Regiopnal Director, NHAI at 1st Floor D-63, Sri Krishna Puri Road S.K. Puri, Patna.
6. The Project Director National Highway Authority of India, Project Impleon Entation Unit (PIU), Muzaffarpur.
7. The Competent authority-Cum-District Land Acquisition Officer Muzaffarpur.
8. The Circle Officer, Kurhani District -Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Ms.Kumari Chandna, Advocate Dr. Bipin Chandra, Advocate
For the State	:	Mrs. Nutan Sahay, AC to AAG-12
For NHAI	:	Mr. S.N. Pathak, SC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 22-11-2021

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

2. The present writ petition has been filed for “issuance of a writ of mandamus or order or orders directing the respondent to make full and final payment of compensation amount of acquired lands as per the present 4 multiplied and 18% penal interest over the arrear market value of the commercial land



pertaining to Khata No.65/ Plot No.362 area of 0.019 Hectare situated at Village-Rajla, Thana No. 195, Circle-Kurhani, District-Muzaffarpur; Panchati No.12 (kh), Panchayat Name Shatrughna Prasad Singh, son of Late Dindayal Singh, resident of Village-Rajah, P.S.-Kurhani, District-Muzaffarpur which was acquired for construction of four land of N.H.77 (Muzaffarpur Hajipur Section) for which an acquisition proceeding case no.09 of 2009-10 was recorded and the amount of compensation was calculated but only 50% of the compensation was paid to the petitioner's father who is now suffering from several ailments and further be pleased to restrain the respondents from taking possession of the left said land in question and the petitioner's commercial building situated therreat".

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)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.11.2021
Transmission Date	N.A.

