

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18148 of 2016**

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Dhananjay Kumar, Son of Late Dayanand Prasad, Residing at Village-  
Nouruo, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land & Revenue, Old Secretariat, Patna
2. The Director, Land Acquisition, Government of Bihar, Patna.
3. The District Magistrate, Jehanabad.
4. The District Land Acquisition Officer, Jehanabad.
5. The Additional Collector-cum- Arbitrator, Jehanabad.
6. The Project Director, National Highway Authority of India (Project Implementation Unit, Gaya), House No. 70/224 Opposite of Judicial Quarter, Chamakpuri Colony, Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Kumar, Advocate

For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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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):

“That this is an application for issuance of a writ in the nature of certiorari to quash the order dated 12.09.2016 passed by Respondent No. 5 in Arbitration Case No. 176/2015-16 contained in Annexure-II whereby the claim of petitioner under section 3G(5) of the National



Highways Act, 1956 has been rejected and for issuance of appropriate order or direction for directing the respondents to pay compensation for the land described in paragraph 3 of this application according to the present commercial market rate over which 4/6 lane NH-83 is being constructed by Respondent No. 6 and for issuance of a writ/order/direction for which the petitioner may be found legally entitled to under the facts and circumstances of this application.”

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/-

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