

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4259 of 2019

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Upendra Sahani, Son of Late Doman Sahani, Resident of Village-
Chaukhandi, P.O.- Basudeopur, P.S.- Basudeopur O.P. (Kotwali), District-
Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Munger, District- Munger
3. The District Land Acquisition Officer, Munger-cum-Competent Authority, District- Munger
4. Pankaj Yadav Son of Late Hardeo Yadav Resident of Village- Chaukhandi Dih, P.O.- Basudeopur, P.S.- Basudeopur O.P. (Kotwali), District- Munger
5. Raushan Yadav Son of Late Hardeo Yadav Resident of Village- Chaukhandi Dih, P.O.- Basudeopur, P.S.- Basudeopur O.P. (Kotwali), District- Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh, Advocate
For the State	:	Mr.Rishi Raj Sinha (SC19)
	:	Mr. Saurabh Kr., AC to SC-19
For NHA	:	Mr. S.N. Pathak, SC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 25-11-2021

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

2. The present writ petition has been filed for “*issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent no.3 to grant compensation to the petitioner with respect to the land bearing Tauzi No. 418, Plot No. 1786, Ward No.-C, Sheet No.9, Mauza-Shyampur measuring an area 32 decimals treating as a homestead land on the ground that name of grandfather of the petitioner namely Badri Gori is*”



running in Cadestral Khatiyar as also in the said land there is a house of the petitioner. And for issuance of any other appropriate writ/writs, order/orders”.

3. At the very outset, learned counsel for the NHAI, 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 NHAI 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.

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	26.11.2021
Transmission Date	N.A.

