

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5733 of 2020

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Shrawan Kumar S/o- Late Ramdeo Prasad Resident of Village- Ner, P.S.-
Makhdumpur, District- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Jehanabad.
3. The District Land Acquisition Officer, Jehanabad.
4. The Deputy Collector Land Reforms, District- Jehanabad.
5. The Circle Officer, Makhdumpur, District- Jehanabad.
6. The Chairman National Highway Authority of India, New Delhi.
7. The General Manager, National Highway Authority of India, New Delhi.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Shankar Kumar, Advocate
For the State : Mr. Rishi Raj Sinha, SC-19
For the NHAT : Mr. S.N. Pathak, SC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 22-11-2021

I.A. No. 01 of 2021

This interlocutory application has been filed for substitution of legal heir of the deceased petitioner, who died on 14.05.2021 during the pendency of the writ application leaving behind his widow Jayamanti Devi, W/o Late Shrawan Kumar, resident of Village-Ner, P.S. Makhdumpur, District- Jehanabad as enumerated in paragraph-3 of I.A. No. 01 of 2021.

2. Learned counsel for the State is present and has no objection to the substitution petition being allowed.



3. Accordingly, I.A. No. 01 of 2021 stands allowed and the legal heir as enumerated in paragraph-3 thereof be substituted in place of the deceased petitioner.

4. Office shall make necessary corrections in this regard.

5. Vakalatnama has been filed on behalf of newly added heir along with the substitution petition.

C.W.J.C. No. 5733 of 2020

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

2. The present writ petition has been filed *"for quashing the letter dated 04.02.2020 as contained in letter no. 76 issued under the signature of the respondent no. 3 by which the petitioner was warned/threatened that his structure (Shop cum Residence) situate by the side of NH-83 in Ner (Makhdumpur) Bazar would be demolished; further pleased to issue a writ/writs, order/orders, direction/directions commanding the respondents not to demolish the structure (House cum Shops) of the petitioner without the paying the full amount of compensation, of his land along with the structure (House cum Shops) thereon of the petitioner, situated by the side of NH-83 at village Ner Bazar, Revenue Thana No. 249, Khata No. 293, Plot No. 1238 is paid to the petitioner in accordance with law under the new provisions of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and/or be further pleased to pass such other order/orders which may be deemed fit and proper in the facts and circumstances of the case."*



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)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.11.2021
Transmission Date	N.A.

