

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5555 of 2020

Sanjay Kumar (Male), aged about 60 years, S/o Sri Khublal Prasad Resident of Village- Ner, P.s.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The Union of India Through the Chairman National Highway Division Department, Government of India, New Delhi.
2. The Secretary National Highway Division Department, Government of India, New Delhi.
3. The General Manager National Highways Authority of India.
4. The Principal Secretary Department of Revenue and Land Reforms, Bihar, Patna.
5. The District Magistrate Jehanabad.
6. The District Land Acquisition Officer Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar, Adv.
For the State	:	Mr.Rishi Raj Sinha (SC19)
For the NHAI	:	Mr. S.N. Pathak, Adv.

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 the following reliefs as formulated by the petitioner-

“1(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the letter no. 75/DLA, dated 04.02.2020 issued from the office of the respondent no.6 i.e. The District Land Acquisition Officer, Jehanabad whereby and whereunder the petitioner has been directed to receive the amount of compensation in lieu of his land acquired for the widening of the Road/4 Lane/ Patna to Gaya Devi



Section under N.H.83 failing which construction made over the land shall be removed with the help of police force and compensation amount shall be deposited in the court.

(ii) To direct the respondents to make the payment of compensation to the petitioner for acquisition of his land measuring 3.2- dec. appertaining to Khata no. 293, Khesra no. 1238 situated in Mauza Ner within Makhdumpur P.S. in the District of Jehanabad acquired for the purposes aforesaid under section 3(A)(1) of the National Highways Act, 1956.

(iii) To quash the letter no. 1183 DLA 19.09.2019 issued from the office of District Land Acquisition Officer, Jehanabad by which the petitioner has been directed to receive the amount of compensation as per the valuation determined by the competent authority as such nature of land has been considered Agricultural.

(iv) To direct the respondents to make the payment of compensation of aforesaid land to the petitioner taking into consideration of land being residential in nature as per the current market rate/New Act 2013 prevailing in the area along with interest on account of delay and laches on the part of the respondents.

(v) To any other reliefs to which the petitioner may be found entitled 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	NA
Uploading Date	24.11.2021
Transmission Date	

