

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5604 of 2020

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Shiv Kumar Mahto, S/o Jitan Mahto, 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 Reform, 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. Dhurjati Kumar, GP-14
For the 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 following reliefs as formulated by the petitioner
have been claimed in the writ petition -

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the letter no. 635/DLA dated 09.08.2019 issued from the office of District Land Acquisition Officer, Jehanabad whereby and whereunder the petitioner has been directed to receive compensation of the land appertaining to Khata No. 108, 306, Khesra No. 1231, 1241 total measuring 7 ½ dec. situated in Mjauza- Ner within



Makhdumpur P.S. Case under the District of Jehanabad acquired for the purpose of construction of 4/6 lane Road under N.H. 83, Patna Gaya Dobhi Section and the rate of compensation has approved by National Highway Authority, India and after 3G Estimate and determined by the competent authority the District land Acquisition Officer Jehanabad; and further the petitioner has been directed that no claim of compensation shall be entertained in case there is change of nature of the land/structure with a further direction to the petitioner that no obstruction shall be caused after receipt of the payment.

(ii) To quash the letter dated 63/DLA dated 04.02.2020 issued from the office of District Land Acquisition Officer, Jehanabad whereby and whereunder the petitioner has been directed to receive compensation in lieu of acquisition of land for alignment under the N.H. 83 Project failing which construction made in the land of Khata No. 0108, 306, Khesra No. 1231, 1241 measuring 7 ½ dec. shall be removed with the help of police force and compensation amount shall be deposited in the court.

(iii) To direct the respondents to make the payment of compensation to the petitioner for acquisition of the land appertaining to Khata No. 108, 306 Khesra No. 1231, 1241 measuring 7 ½ dec. situated in Mauza- Ner, P.S. Makhdumpur, District- Jehanabad acquired under section 3 (1)A of the National Highways Act, 1956.

(iv) To direct the respondents to make the payment of compensation of aforesaid land to the petitioner taking into the 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	N.A.
Uploading Date	25.11.2021
Transmission Date	N.A.

