

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5998 of 2020

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Hardev Singh Son of Late Shahdev Yadav Resident of Village- Ner, P.S.-
Makhdumpur, District- Jehanabad.

... .. Petitioner

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the State : Mr. Rishi Raj Sinha, SC-19
Mr. Saurabh Kumar, AC to SC-19
For the NHAI : Mr. S.N. Pathak, SC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 23-11-2021

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. 9/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. 285,



Khesra No. 1239, total measuring 7.5 decimal 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 the land appertaining to Khata No. 285 Khesra No. 1239 total measuring 7.5 decimals situated in Mauza- Ner, P.S. Makhdumpur, District- Jehanabad acquired under section 3 (1)A of the National Highway Act, 1956.

(iii) To quash the letter No. 1176/DLA dated 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 Agriculgtural.

(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 latches 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.

