

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6048 of 2020

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Bajrangi Yadav S/o Late Shiv Narayan Yadav, Resident of Village and P.O.-
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, Patna.
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 Prasad, GP-14
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. 1146/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 with respect to the land measuring 3.5 decimal appertaining to Khata No. 306, Khesara No. 1241 situated in Mauza-Ner within Makhdumpur P.S. of Jehanabad as per the valuation determined



by the competent authority and nature of land shall be considered agriculture.

(ii) To quash the letter dated 61 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 the amount of compensation in lieu of his land acquired for the purpose of widening the road/4 lane Patna to Gaya Dobhi Section under construction made over the land shall be removed with the help of police force and compensation shall be deposited in the Court.

(iii) To direct the respondents to make the payment of compensation to the petitioner for acquisition of his land measuring 3.5 decimal apertaining to Khata No. 306, Khesra No. 1241 situated in Mauza- Ner, within the Makhdumpur P.S. in the District of Jehanabad acquired for the purposes aforesaid under section 3A (1) of the National Highways Act, 1956.

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

(v) To any other relief/s 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.

