

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6703 of 2020

Sakaldeo Yadav, Son of Ram Karan Yadav, resident of Village- Ner, P.S.-
Makhdumpur, District- Jehanabad.

... .. Petitioner/s

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.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar, Advocate
For the State	:	Mr.Raj Kishore Roy (GP18)
		Mrs. Purna Anand, AC to GP-18
For NHAI	:	Mr. S.N. Pathak, SC

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 29-11-2021

As prayed, learned counsel for the petitioner is permitted to make correction of the typographical error in the description of respondent no.2, substituting the word ‘Jehanabad’ in place of ‘Patna’ during course of the day.

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

3. The present writ petition has been filed for the following reliefs as formulated by the petitioner-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the letter no. 60/DLA dated 04.02.2020 issued from the office of the 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.306, Khesra no.1241 total measuring 1.75 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.306, Khesra No.1241 total measuring 1.75 decimal situated in Mauza Ner P.S. Makhdumpur, District- Jehanabad acquired under section 3(A)(1) of the National Highways Act, 1956.

(iii) To quash the letter no. 1163 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 Agricultural.

(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.”

4. 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.

5. Learned counsel for the petitioner does not dispute the above proposition.

6. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

7. The writ application stands dismissed.

8. 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.

9. 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)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.12.2021
Transmission Date	N.A.

