

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5117 of 2019

Arvind Singh Alias Arvind Kumar, son of Ram Laxaman Singh, resident of
Village- Bairamchak, P.S.- Mashaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through Secretary National Highway and Surface Transport Department, Central Secretariat, New Delhi.
2. National Highway and Surface Transport Department through its Secretary, Central Secretariat, New Delhi.
3. The District National Highway Authority of India, Dwarika, Delhi.
4. Regional Officer, National Highway Authority of India, S.K. Puri, Patna.
5. The Project Director, National Highway Authority of India, S.K. Puri, Patna.
6. The State of Bihar through its Principal Secretary, Road Construction Department, Government of Bihar, Patna.
7. The District Magistrate, Patna District- Patna.
8. The District Land Acquisition Officer, Patna District- Patna.
9. The Anchal Adhikari, Mashauri, Patna District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate
For the Respondent/s : Mr.Raj Kishore Roy (GP 18)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 15-03-2021 Petitioner has prayed for the following relief(s):

“i. For issuance of an appropriate writ/order or direction(s) for directing and commanding the respondent authority to fix proper compensation/value i.e. four times of his land bearing plot no. 197, Khata No. 17, an area of 0.170499 decimals, as well as plot no. 181,



Khata No. 17 an area of 0.180383 decimals, also plot no. 209, Khata No. 60, an area of 0.210035, under Thana No. 259 by which the land of the petitioner has been acquired and by the District Land Acquisition Officer, Patna, Respondent No.8 in L.A. Case No.62 of 2013-14, for the purpose of development of N.H.- 83, known as Patna-Gaya-Dobhi Road, situated in Mauja- Bairamchak Anchal and P.S. Mashaurhi and the said land is situated East and West adjacent to N.H. 83 and which is a commercial land and the petitioner is entitled for proper compensation for his land and District Land Acquisition Officer has sent a notice/information under Section 3E of the National Highway Authority Act, 1956 (hereinafter referred to as NHAA, 1956), in this regard fixing compensation of Rs. 483876.16 for plot no. 197 and Rs. 511926.95 for plot no.-181 and also fixed compensation of Rs.596079.33 for plot No. 209 under Section 3G of NHAA, 1956 and further directed the petitioner to hand over the possession of land to the undersigned person within 60 days under Section 3E of the NHAA, 1956.

ii. For issuance of an appropriate writ/order for commanding and directing the Respondent Authorities to declare/publish the land of petitioner bearing Plot No. 197, 181 and 209, situated in Mauja Bairamchak as Nij/Commercial in the Gazette of India in place of agricultural on the ground that the publication of Gazette in the daily newspaper was made without verifying the



spot verification.

iii. For issuance of an application writ/order of direction for commanding and directing the respondent to not acquire the land of petitioner in the name of agricultural land with wrong projection of plot no. 197, 181 and 209, situated on N.H. 83, Patna-Gaya-Dobhi Road, Mauja- Bairamchak and also commanding the respondent authorities to modify the alignment in consideration of the petitioner's claim.

iv. For issuance of an application writ/order of direction(s) for commanding and directing the respondent authority to allow the petitioner to raise objection in I.A. Case No. 62 of 2013-14 on the ground that the land of the petitioner shown in Gazette of India as agricultural land instead of commercial land and compensation of Rs. 483876.16, Rs. 511926.95 and Rs. 596079.33 respectively was fixed under Section 3(G) of the NHAA, 1956.

v. For issuance of any other relief or reliefs for which the Petitioner is entitled to in the facts and circumstances of the present case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to initiate proceedings under the provisions of National High Way Authority Act, 1956.

Permission granted, clarifying that the initiation/pendency of such petitions/proceedings shall not come



in the way of early completion of the project and no Court other than the Constitutional Court, shall pass any interim order staying the operation of the project in a petition preferred by the present writ petitioner.

Needless to add, the issue of delay is left open and shall be considered by the appropriate Court in an appropriate proceedings, accounting for the pendency of the present petition.

Petition stands dismissed as withdrawn with the above observations and directions.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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