

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15208 of 2017

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Jai Dayal Singh s/o Late Ram Avatar Singh Resident of Village - Bairamchak,
P.S. - Mashauri, 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. The Regional Officer, National Highways Authority of India, S.K. Puri, Patna.
5. The Project Director, National Highways Authority of India, S.K.Puri, Patna.
6. The State of Bihar through its Principal Secretary Road Construction Department, Government of Bihar
7. The District Magistrate, Patna.
8. The District Land Acquisition Officer, Patna.
9. The Anchal Adhikari Mashauri, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate
For the Respondent/s : Mr.Dr. K.N.Singh, ASG

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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 the issuance of appropriate writ/order or directions for quashing the order/notice dated 5/11/2014 passed in L.A. Case no. 62/2013-14 by the District Land Acquisition Officer, Patna, Respondent No.-8 Annexure 2 and 3 by which the Respondent No. 8 has been pleased to fix



compensation of rupees 4,68,953.78 (four lakh sixty eight thousand nine hundred and fifty three rupees and seventy eight paise) of plot no.-183 under Khata no. 15 area 0.200151 acre as well as fix compensation of rupees 2,24,406.34 (two lakh twenty four thousand four hundred and six rupees and thirty four paise) of plot no. 187 khata 15 area 0.079072 acre situated in Mauja, Bairamchak under section 3G of the National Highway Authority Act, 1956 and further directed the petitioner to hand over the possession of the undersigned under section 3E of the National Highway Authority Act, 1956 on the ground that no proper valuation was assessed and same was done without proper spot verification and same was published in the Gazette of India as Agricultural land instead of Commercial/Residential land as contained in Annexure-1 to this writ petition.

ii. For the issuance of appropriate writ/order or directions for commanding and directing the respondent authority to fix proper compensation/value i.e. four times of his land bearing bearing Plot No.-183, 192 Khata No.-15 area 37 decimal and Plot no.-187 khata no. 15 area 25 decimal under Thana no. 252 situated in Mauja in Bairamchak, Anchal and P.S.- Mashauri, District – Patna situated on N.H. 83 known as Patna-Gaya-Dobhi road, the above land is commercial/residential land and pay compensation accordingly in accordance with law.

iii. For the issuance of appropriate writ/order or



directions for directing and commanding the respondent authority to declare/publish the land of the petitioner bearing Plot no.-183 and Plot no.-187 Khata no. 15, Thana no.-252 situated in Mauja, Bairamchak as Nij/Commercial/Residential land in the Gazette of India in place of agricultural land on the ground that the publication of Gazette in daily newspaper was made without verifying the spot verification.

iv. For the issuance of appropriate writ/order or directions for directing and commanding the respondent authority to allow the petitioner to raise objection in L.A. Case no.-62/2013-14 for proper valuation of his land on the ground that the land of the petitioner shown in Gazette of India as agricultural land instead of Nij/Commercial/Residential land and wrongly evaluation was assessed with respect of plot no. 183 of rupees 4,68,953.78 for an area of 0.200151 acre and compensation of rupees 2,24,406.34 was fixed for area of 0.079072 acre for plot no.-187 under section 3G of the National Highway Authority Act, 1956 without considering the proper verification of the actual position of the land.

v. For the issuance of an appropriate writ/order or directions for directing and commanding the respondents to provide actual compensation that is four times 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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