

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2487 of 2022

1. Prabhawati Devi Wife of Dilip Singh Resident of Vilalge-Khajura, Karamnasha, P.O. and P.S.-Karamnasha, District-Kaimur at Bhabhua, Pin-Code-821105 (Bihar).
2. Birendra Kumar Singh @ Birendra Singh Son of Late Mohan Singh Resident of Vilalge-Khajura, Karamnasha, P.O. and P.S.-Karamnasha, District-Kaimur at Bhabhua, Pin-Code-821105 (Bihar).
3. Ranjeet Singh Yadav Son of Lalaji Singh Resident of Vilalge-Khajura, Karamnasha, P.O. and P.S.-Karamnasha, District-Kaimur at Bhabhua, Pin-Code-821105 (Bihar).
4. Gopal Singh Son of Lalaji Singh Resident of Vilalge-Khajura, Karamnasha, P.O. and P.S.-Karamnasha, District-Kaimur at Bhabhua, Pin-Code-821105 (Bihar).
5. Umesh Kumar @ Umesh Son of Ram Pyare Singh Resident of Vilalge-Khajura, Karamnasha, P.O. and P.S.-Karamnasha, District-Kaimur at Bhabhua, Pin-Code-821105 (Bihar).
6. Lalwati Devi Wife of Late Nagendra Prasad Singh Resident of Vilalge-Khajura, Karamnasha, P.O. and P.S.-Karamnasha, District-Kaimur at Bhabhua, Pin-Code-821105 (Bihar).
7. Ram Lakhan Singh Yadav Son of Jokhan Singh Resident of Vilalge-Khajura, Karamnasha, P.O. and P.S.-Karamnasha, District-Kaimur at Bhabhua, Pin-Code-821105 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road and Highways, Government of India, New Delhi.
2. The Secretary, National Highway Division Department Government of India, New Delhi.
3. The National Highway Authority of India through The Project Director, National Highway NO.2, Sasaram, Bihar.
4. The State of Bihar through the Collector, Kaimur at Bhabhua, Bihar.
5. The District Land Acquisition Officer, Kaimur at Bhabhua, Bihar.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Subhen Sarkar, Advocate
For the Union of India	:	Dr. K.N. Singh, Addl.Sol.General
		Ms. Prakritita Sharma, AC to ASG
For the NHAI	:	Mr. S.N.Pathak, SC
For the State	:	Mr. Md. Khushid Alam, AAG 12
		Mrs. Nutan Sahay, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-09-2022

Heard the parties.



Learned counsel for the petitioners is permitted to withdraw this application so that the petitioners may file their claim before the Divisional Commissioner-cum-Arbitrator, Patna under Section 3G(5) of National Highway Act, 1956.

The learned counsel for the State and NHAI have no objection to the same.

The writ petition is permitted to withdraw with the liberty the petitioner to move Divisional Commissioner-cum-Arbitrator, Patna within thirty days from today.

The Arbitrator will decide the matter within four months after hearing the parties and pass a reasoned order in accordance with law. He will consider all the claims of the petitioners including the objection on the classification of land which has been acquired as a house and the respondents are trying to give compensation treating the land to be agricultural land. All the evidences produced by the petitioners shall be considered and dealt by the Arbitrator in his final order.

With the aforesaid observation and direction, this writ petition is disposed of.

(Sandeep Kumar, J)

BT/Harsh

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