

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6829 of 2021

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Ranvir Kumar Son of Chandeshwar Prasad Singh Resident of Village- Bihari Bigha Uttar Tola Near Durga Temple, P.S.- Pandark, P.O.- Bihari Bigha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The District Land Acquisition Officer, Patna.
4. The Circle Officer, Pandark, Under District- Patna.
5. The Union of India through Secretary National Highway Authority of India.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar, Advocate
For the State	:	Mr.Rishi Raj Sinha (Sc19)
For the N.H.A.I.	:	Mr. Sriram Krishna, Adv.
		Mr. Prabhat Kumar Singh, Adv.
		Mr. Devesh Shanker Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-11-2023 Heard learned counsel for the petitioner, State and the

NHAI.

2. The petitioner, by way of filing present writ application, has assailed the order of compensation dated 29.05.2020 passed by District Land Acquisition Officer, Patna, vide Annexure – 2 to the writ application. It is the grievance of the petitioner that his land should be treated, as commercial.

3. At the very outset, learned counsel for the respondent / N.H.A.I. raises preliminary objection on the maintainability of the writ application and submits that



petitioner has got alternative remedy with regard to insufficiency of compensation amount, by way of filing appropriate application under Section 3G(5) of The National Highways Act, 1956, which reads as follows:

“If the amount determined by the competent authority under sub-section (1) or subsection (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

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 petitioner shall be at liberty to seek remedy before the appropriate forum, as may be available to him, in accordance with law. If such application is filed by the petitioner, the authority concerned shall examine the same and pass appropriate order in accordance with law. Delay, if any, shall be condoned.

7. Writ application stands disposed of with the



aforesaid observations.

(Prabhat Kumar Singh, J)

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