

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1728 of 2023

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Krishan Chandra Mahto Son of Rajendra Mahto Resident of Village - Potgah,
P.S. and P.O.- Harlakhi, Circle - Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The Union of India through the Minister of Road Transport, National High Way Government of India, Transport Bhawan, New Delhi.
2. The State of Bihar through the Principal Secretary, Road Construction Department Government of Bihar, Patna.
3. The Chief Engineer National, High Way, Sub-Division Road Construction Department, Government of Bihar, Patna.
4. The Under Secretary cum Director Land Acquisition Department, Government of Bihar, Patna.
5. The Divisional Commissioner cum Arbitrator Darbhanga Division, Darbhanga.
6. The Collector, Madhubani, District- Madhubani.
7. The Additional Collector, Land Reforms, Madhubani, District- Madhubani.
8. The Land Acquisition Officer, Madhubani, District- Madhubani.
9. The Circle Officer, Harlakhi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.
For the Respondent/s : Mr. Uday Prasad, AC to GP-22.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned

counsel for the State as well as learned counsel for the National

Highway Authority of India.

The present writ petition has been filed seeking

direction to the respondent authority to pay compensation

amount treating the acquired land as a homestead land although

the compensation has been received by the petitioner treating

the land as agricultural land with objection.

Learned counsel for the petitioner himself pleaded in the writ petition specifically in paragraph no.15 that petitioner has earlier moved before this Court in C.W.J.C. No.19040 of 2019 and thereafter he has filed an application before Divisional Commissioner-cum-Arbitrator, Darbhanga bearing Land Acquisition Case No.93 of 2019 which is still pending as no order has been passed even after lapse of three years.

Learned counsel for the National Highway Authority of India and learned counsel for the State submit that when the application of petitioner is already pending before the appropriate forum then no further relief could be granted by this Court.

In this view of the matter, the Divisional Commissioner-cum-Arbitrator, Darbhanga is directed to expedite the matter of petitioner and dispose of the application of petitioner within 9 months from today.

With this observation and direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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