

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7213 of 2021

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1. Smt. Satyabhama Devi Wife of Late Bachu Singh Resident of Hatia More, Barbigha, Police Station- Barbigha, District- Sheikhpura.
 2. Kameshwar Prasad Singh Son of Late Ayodhya Singh Resident of Village Sarba, Police Station- Barbigha, District- Sheikhpura.
 3. Girjanandan Prasad Son of - Late Raghunandan Prasad Resident of Mohalla - Chandukua, Police Station- Barbigha, District- Sheikhpura.
 4. Durga Nandan Prasad Son of - Late Raghunandan Prasad Resident of Mohalla Chandukua, Police Station- Barbigha, District- Sheikhpura.
 5. Satyanandan Prasad Son of - Late Raghunandan Prasad, Resident of Mohalla - Chandukua, Police Station- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. District Magistrate, Shekhpura.
3. The Central Land Acquisition Administration -Cum- District Land Acquisition Officer (C.A.L.A.- cum - D.L.A.O.), Shekhpura, District- Shekhpura.
4. The Project Director, National Highways Authority, District- Shekhpura.
5. Circle Officer, Barbigha, District- Shekhpura.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Nirmal Kumar, Advocate
For the State	:	Mr. Uday Prasad, AC to GP-22
For NHAI	:	Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-11-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for commanding the respondents to pay compensation treating the land of the petitioners as commercial.

3. Learned counsel for the NHAI raises preliminary objection to the effect that an alternative remedy is available to



the petitioners by way of filing appropriate application under Section 3G(5) of The National Highways Act, 1956, which reads as:

“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 petitioners 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. Petitioners shall be at liberty to seek remedy before the appropriate forum as may be available to them in accordance with law.

7. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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