

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6161 of 2018

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Hari Prasad, Son of Late Ram Chandra Prasad @ Ram Chandra Mahto,
Resident of village Daniyawan, P.S.- Daniyawan, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. District Land Acquisition Officer-cum-Competent Authority, Patna.
5. National Highway Authority of India Ltd. Patna, through its Project Manager.
6. The Project Manager, National Highway Authority of India Ltd. Patna, Sri Krishna Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate Mr. Jay Prakash Singh, Advocate,
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
For the NHAI	:	Mr. S.N. Pathak, S.C Mr. Saurav Nikunj, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner, learned

counsel for the National Highways Authority of India Limited

and learned counsel for the State.

The petitioner has filed the instant application for the
following relief(s):-

*“That this is an application on behalf of the petitioner
for issuance of a writ in the nature of mandamus
commanding and directing the respondent-authorities,
to make payment of compensation for the land
acquired by the National Highway Authority of India*



Ltd., Patna in terms of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, with all consequential benefits attached to such acquisition and the petitioner further prays for issuance of an appropriate writ/order/direction to which the he may be found legally entitled to in the facts and circumstances of the present case as stated hereinafter.”

It is the case of the petitioner that the land of the petitioner appertaining to Khata no.197, Khesra no.653 measuring an area of 0.249571 which was the subject matter of acquisition for the project concerning N.H. 30-A in L.A. Case no.129 of 2013-14 has been wrongly classified as an agricultural land instead of its correct classification of being a purely commercial land. Consequently, it is submitted that the quantum of compensation paid is disproportionately low and thus the instant writ application for directing the respondents to pay appropriate compensation.

Learned counsel for the respondent-NHAI submits that the petitioner has an alternate and efficacious remedy of moving an application before the competent authority as provided under section 3G (5) of the National Highways Act, 1956.



Having heard learned counsel for the parties and taking into consideration the averments made in the writ application and the submissions made by learned counsel for the parties, the Court finds substance in the submissions made by learned counsel appearing for the NHAI.

Accordingly, this writ application is disposed of giving liberty to the petitioner to file an appropriate application under section 3G (5) of the National Highways Act, 1956 which if filed within two months, the same shall be decided by the Authority concerned in accordance with law within a period of six months from the date of its filing.

The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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