

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3803 of 2020

1. Md. Mazhar Ansari, aged about 25 years,
2. Md. Azhar Ansari, aged about 22 years
3. Asif Ansari, aged about 20 years, all sons of late Mohammad Minntulla
Ansari Son of Mohammad Subhan Ansari, and
Rubina Farhin, daughter aged about 26 years,
all residents of Village/Mohalla- Hajiganj Ward No. 3 Hajiganj, Haripur,
P.S.- Forbesganj, District- Araria. Petitioners

Versus

1. The Union of India through the Secretary National Highway Authority, Govt. of India, New Delhi.
2. The Managing Director, National Highway Authority, Govt. of India, New Delhi.
3. The Project Director, National Highway Authority Araria at Purnea.
4. The Competent Authority Cum District Land Acquisition Officer, Araria.
5. The District Magistrate, Araria.
6. The Director Land Acquisition Department of Revenue and Land Reforms, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)
Nutan Sahay AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-12-2023

I. A. No. 1/2023 has been filed for substituting the names of legal heirs/representatives of petitioner who had died during the pendency of this case on 7.2.2022.

2. Considering the averments made in the I. A. No.1/2023, same is allowed.

3. Let name of sole petitioner be deleted from the cause title of this petition and in his place names of legal heirs/representatives as mentioned in paragraph 3 of the I.A.1/2023 be substituted.

4. Heard learned counsel for the substituted petitioners and the State.

5. Writ petition has been filed for directing the respondents to pay the petitioners revised rate of compensation of their acquired land under the NHAI Act, 1956, as mentioned in paragraph 4 of the writ petition, by correcting the



categorization of land.

6. At the very outset, learned counsel for the respondents raises a preliminary objection to the effect that statutory alternative remedy is available to the petitioners with regard to insufficiency of the compensation amount as determined, by way of arbitration in terms of Section 3G (5) of the National Highways Act, 1956.

7. Learned counsel for the petitioners does not dispute the above proposition.

8. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

9. However, petitioners are directed to file an appropriate application before the appropriate authority along with all the relevant documents in support of the claim, within a period of six weeks from today.

10. In the event, such application is filed by the petitioners, appropriate authority shall examine claim of the petitioners and dispose of the same in accordance with law after hearing the parties, preferably within a period of six months thereafter.

11. It is made clear that if the petitioners approach the appropriate authority, he would have regard to the present proceeding being pursued by the petitioners, while considering any issue relating to condonation of delay, if applicable.

12. The writ application stands disposed of.

(Prabhat Kumar Singh, J)

Shashi

U			
---	--	--	--

