

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6735 of 2016

1. Bharat Bhushan and Anr Son of late Nawal Kishore Prasad Singh resident of Village- Morsand tola Gorigama, PS Runni Saidpur, District Sitamarhi.
2. Ram Shekhar Singh Son of Suraj Singh@Sarya Singh@Suryadeo Singh resident of Village- Morsand tola Gorigama, PS Runni saidpur, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Project Director, National Highway Authority of India.
3. The Collector, Sitamarhi.
4. The Additional Collector, Sitamarhi.
5. The Deputy Collector, Land Reforms , Sitamarhi. null null
6. The Sub-Divisional Officer, Sadar, Sitamarhi.
7. The District Sub-Registrar, Sitamarhi. null null
8. The Circle Officer, Runi Saidpur, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari , Advocate
For the Respondent/s : Divya Verma, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioners, State and the NHAI.

2. This writ application has been filed for the following reliefs:-

(I) To direct the respondent authorities for making payment of the compensation to the petitioners against their lands acquired by the Central Government, which fall within the stretch of N.H.-77 (Muzaffarpur-Sitamarhi Sonbarsa) in terms



of Resolution contained in Memo No. 747 dated 13.05.2008 i.e. Bihar Land Acquisition Re-establishment and Re- habilitation Policy, 2007.

(II) To direct the respondents to make payment of compensation amount to the petitioners at the rate of 1.30,000/- per decimal against their acquired land for the purpose of N.H.77 in the State of Bihar.

3. At the outset, learned counsel for the State 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. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioners were pursuing the issue before this Court.

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

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

