

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4387 of 2020

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Suman Kumar Sharma, Son of Ramautar Joshi, Resident of Mohalla-Durgapur, P.O.- Katihar, P.S.- Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The Union of India through com Project Director, National Highway Authority of India, PIU Purnea (Bihar).
2. The G.M. (Tech)-cum-Project Director, National Highway Authority of India, PIU-Purnea (Bihar).
3. The Regional Officer, National Highway Authority of India, Srikrishnapuri, Patna (Bihar).
4. The District Magistrate, Katihar.
5. The Land Acquisition Officer, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Prashant Sinha, Advocate Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19 Mr. Birendra Prasad Singh, AC to 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

- 6 27-04-2023 1. Heard learned counsel for the parties.
2. The petitioner has filed the instant application for the following relief(s):-

“(i) For issuance of necessary direction upon the respondent authorities particularly the Project Director, National Highways Authority, Purnea to not to deviate from the original alignment as per the DPR for construction of way side amenities/Toll Plaza on NH-131A in Katihar in village-Hathiya Ramna inasmuch as in the original DPR, the way side amenities/Toll Plaza was to be constructed in village-



Baisa Ramna but the authorities are deviating it to Hathiya Ramna and they are proposing to acquire plot no. 1084, 1085,1086,1087, 1092,1093 and 1088 belonging to the petitioner, which will lead to total blockage of access to plot no. 710, having an area of 2 acres and 66 decimals upon which the petitioner is planning to start a school.

(ii) For issuance of necessary direction upon the respondent authorities to keep at least plot no. 1085 and 1086 in village- Hathiya Ramna belonging to the petitioner, out of purview of acquisition and shift it 30 meters towards Purnea, which is entirely a green field so that the land bearing plot no. 1085 & 1086 may be used for access to plot no. 710.

(iii) For restraining the respondents from issuing any notification for acquisition of plot no. 1084, 1085, 1086, 1087, 1092, 1093 and 1088 or at least 1085 & 1086 in village-Hathiya Ramna during the pendency of this writ application.

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Bereft of unnecessary details it may be stated here that from the supplementary counter affidavit filed on behalf of the respondent nos.4 and 5 ie the District Magistrate, Katihar and the Land Acquisition Officer, Katihar, it transpires that award under section 3G of the National Highways Act, 1956 was prepared and although the compensation was received by



one Jagdish Chouhan, the other land holders inspite of notice being issued to them did not receive the same.

4. At this stage, learned counsel for the petitioner submits that besides the petitioner seriously disputing the quantum of compensation, a number of trees on the land of the petitioner was also cut for which the petitioner should also be paid damages/compensation etc. Learned counsel for the petitioner relies on the order in a similar matter passed on 30.3.2022 in Arbitration Case no.122 of 2020 by the Commissioner, Purnea Division, Purnea.

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

6. Having heard learned counsel for the parties and taking into consideration the materials on record and the submissions made, this writ application stands disposed of giving liberty to the petitioner to file an appropriate application before the Arbitrator as provided under section 3G (5) of the National Highways Act, 1956. The petitioner will be at liberty to raise all the points raised in the instant application as also which may be available to him before the Arbitrator.



7. It is further directed that the Arbitrator shall decide the application filed by the petitioner within a period of six months from the date of its filing.

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

(Partha Sarthy, J)

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