

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2780 of 2023

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Arjun Singh Son of Prafulo Singh, Resident of Village- Sobh Sulebatta,
Police Station- Barachati, District- Gaya presently residing at Sarauni Khurd,
Police Station- Muffasil, District- Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Gaya.
2. The Collector-cum-District Magistrate, Gaya.
3. The Circle Officer, Barachatti, District- Gaya.
4. The National Highway Authority of India, through its Competent Authority, New Delhi.
5. The Director, N.H.-2, Sasaram, 2nd Floor, Flat No. 338 in front of Electricity Department, Fazalganj, Sasaram, Police Station- Sasaram, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Adv. Ms. Sripriya Sinha, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, (GP-18) Mr. Mukul Prasad, (AC to GP-18)
For the N.H.A.I.	:	Mr. S. N. Pathak, Adv. Mr. Saurav Nikunj, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-08-2023 Heard learned counsel for the petitioner, learned
counsel for the N.H.A.I. and learned counsel for the State.

2. The present writ application has been filed directing the respondent no. 3 to correct the revenue record in favour of the petitioner, as the said land was decreed in favour of the petitioner in Title Suit No. 34 of 2007.

3. Learned counsel for the petitioner submits that the land which was decreed in favour of the petitioner in the said Title Suit No. 34 of 2007 is the subject matter of the land

acquisition scrutiny for widening of NH-2 vide notification dated 27.11.2020. Counsel submits that the representation was filed by the petitioner on 16.03.2021 before the Collector-cum-District Magistrate, Gaya as well as before the Project Director, NH-2, Sasaram, District- Rohtas to consider his case as mentioned under Section 3C of the National Highways Act, 1956, [48 of 1956] (hereinafter referred to as ‘the Act of 1956’)

4. Learned counsel for the N.H.A.I. submits that the petitioner himself attached the copy of Gazetted Notification by which it transpires that the date of publication is 27.11.2020, whereas the said objection was filed on 16.03.2021 *i.e.* after lapse of 21 days.

5. As such, liberty is available to the petitioner to raise his claim under Section 3G(5) of the Act of 1956.

6. As such, the present writ application is disposed of granting liberty to the petitioner to avail his remedy under Section 3G(5) of the Act of 1956 and the Arbitrator is directed to decide the claim of the petitioner at his own level within a period of nine months from the date of filing the case.

(Dr. Anshuman, J.)

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