

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3622 of 2023

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Mansur @ Mansur Alam Son of Late Sadir @ Sadir Hussain, Resident of
Village- Hardar Tola- Rani, Ward No. -1, P.S.- Jokihat District- Araria.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Road Transport and Highways, Govt. of India, New Delhi.
2. The Secretary, Department of Road Transport and Highways, Govt. of India, New Delhi.
3. The National Highways Authority of India, through its Project Director.
4. The G.R. Infra Project Limited Construction Company, X
5. The State of Bihar through Principal Secretary Revenue and Land Reform Department, Bihar Patna.
6. The Secretary, Land Acquisition Department, Govt. of Bihar, Patna.
7. The District Magistrate cum Collector, Araria, District- Araria.
8. The District Land Acquisition Officer, Araria, District- Araria.
9. The Circle Officer, Jokihat District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Ziaul Quamar, Adv.
For the U.O.I.	:	Mr. Vandana Kishor, Adv.
For the State	:	Mr. Rishi Raj Sinha, SC-19
For the N.H.A.I.	:	Mr. Raghwanand, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner, learned

counsel for the Union of India, learned counsel for the N.H.A.I.

and learned counsel for the State.

2. The present writ application has been filed for

directing the respondent's authority to grant compensation

treating the land of the petitioner as commercial situated in

Mouza- Hardar, Khata No. 363, Plot No. 284 and Khata No. 013

Plot No. 279 and *Khata* No. 090, Plot No. 286, total area of 23.045 decimals which has been acquired for the purpose of National Highway - 327E under the National Highways Act, 1956, [48 of 1956] (hereinafter referred to as 'the Act of 1956).

3. Learned counsel for the State submits that counter-affidavit has been filed in this case.

4. Learned counsel for the respondents submit that the payment towards acquisition to the petitioner was in stream line and very soon the payment shall be made.

5. Learned counsel for the petitioner submits that petitioner wants enhancement in the payment of his land which was acquired for the purpose of construction of the National Highway under the National Highways Act, 1956, [48 of 1956].

6. Upon hearing both the parties and the perusal of the documents on record, this Court is of the view that under law the petitioner is at liberty to sue before the Divisional Commissioner-cum-Arbitrator, Purnea for enhancement of his compensation amount under Section 3G(5) of the Act of 1956 if, not satisfied with the compensation amount and received it with objection.

7. With this observation, the present writ application stands disposed off.

8. The petitioner is at liberty to move before the Court
in accordance with law.

(Dr. Anshuman, J.)

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