

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8507 of 2021

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1. Sanjay Kumar Rai S/o- Vijay Bahadur Rai R/o Village - Kritpura, P.O. - Kamarpur, P.S. - Buxar (M), District- Buxar.
 2. Sushma Tiwari W/o - Ajit Kumar Tiwari R/o village - Vishnupuri (Syndicate), P.O. and P.S. - Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

1. The Union of India, through the Managing Director, National Highway Authority of India, New Delhi.
2. The Project Director, NHAI (NH -84), Maqbool Alam road, Varanasi.
3. The Regional Officer, NHAI, D-63, 1st Floor, Rajesh Kumar Path S.K. Puri, Boring Road, Patna-1.
4. The State of Bihar, through the District Magistrate, Buxar.
5. The Competent Authority - cum - DCLR, Buxar.
6. The Circle Officer, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Aditi Hansaria
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
		Mr. B.P. Singh, Ac to Sc 19
For the NHAI	:	Mr. Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-10-2023 Heard the learned counsel for the parties.

2. This writ application has been filed for following

reliefs:-

(i) To issue an appropriate

writ/order/direction in the nature of certiorari to quash the order dated 16.09.2020 passed by respondent no. 5 in L.A. Case No. 126/2020 and L.A. Case No. 125/2020 whereby and whereunder the respondents have calculated the amount of compensation by



considering the nature of land as ‘agricultural’ although the nature of the land after spot verification is ‘residential’ and have further refused to release the entire compensation amount.

(ii) To issue an appropriate writ/order/direction in the nature of mandamus declaring that the amount of compensation must be determined in terms of the spot/site verification done by respondent no. 6 and also in terms of 3D notification;

(iii) To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondents to release the compensation amount for the entire area of land acquired by the respondents considering the nature of land to be ‘residential’.

3. Learned counsel for the N.H.A.I raises preliminary objection to the effect that statutory alternative remedy is available to the petitioners by way of filing an appeal 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. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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