

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7945 of 2021

Binod Singh, S/o Late Sitaram Singh, R/o Vill-Akityarpur Patthera, P.S.-
Sarai, Distt-Vaishali (Bihar) ... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Vaishali, Hajipur.
3. The Arbitrator cum Deputy Collector, Vaishali.
4. The District Land Acquisition Officer, Vaishali.
5. The Sub-Divisional Officer, Vaishali, Hajipur.
6. The Circle Officer, Bhagwanpur, Vaishali.
7. The Chairperson, N.H.A.I., Govt. of India.
8. The Project Director N.H.A.I., Hajipur, Bihar.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Nishant Kumar Sinha, Advocate
For the State	:	Mr.Raj Kishore Roy, GP 18
		Mr Mukul Prasad, AC to GP 18
for the NHAI		Mr.SN Pathak, S.Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 05-12-2023 Heard learned counsel for the parties.

2.Writ petition has been filed for setting aside notice dated 3.3.2021 as well as directing the authorities to comply with the order dated 16.7.2016, passed in Land Acquisition Mediation Case No. 07/2014.

3. At the very outset, learned counsel for the respondent NHAI submits that as a matter of fact petitioner has disputed the quantum of compensation assessed by the authorities keeping in view category of the some part of the land to be agricultural in place of commercial. However, learned counsel raises a preliminary objection to the effect that statutory alternative remedy is available to the petitioner with regard to insufficiency of the compensation amount as determined, by way of arbitration in terms of Section 3G (5) of the National



Highways Act, 1956.

4. Learned counsel for the petitioner 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. However, petitioner is directed to file an appropriate application before the appropriate authority along with all the relevant documents in support of the claim, within a period of six weeks from today.

7. In the event, such application is filed by the petitioner, appropriate authority shall examine claim of the petitioner and dispose of the same in accordance with law after hearing the parties, preferably within a period of six months thereafter.

8. It is made clear that if the petitioner approaches the appropriate authority, he would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

9. The writ application stands disposed of.

(Prabhat Kumar Singh, J)

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