

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5231 of 2020

Sarita Devi W/o Binod Sah @ Binod Kumar Sah, resident of Village- Chauraparwaha, P.O.- Majhua, P.S.- Forbesganj, Distt.- Araria, at present residing at Qtr. No. 727/C, Mohalla- Emergency Colony (Railway), P.S. Katihar, Distt.- Katihar.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Road Construction Deptt. Govt. of Bihar, Patna.
4. The Chairman-cum-Managing Director, National Highways Authority of India, Ministry of Road Transport and Highways, Govt. of India, New Delhi.
5. The Divisional Commissioner, Purnea Division, Purnea.
6. The District Magistrate, Katihar.
7. The District Land Acquisition Officer, Katihar.
8. The Project Director, National Highways Authority of India, Project Implementation Unit, Purnea.
9. The District Sub-Registrar, Katihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Verma, Advocate
For the State	:	Mr. Subash Chandra Yadav (Gp14)
For the NHAI	:	Mr. Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-10-2023 Heard learned counsel for the petitioner, State and the
NHAI.

2. Present writ petition has been filed for the following reliefs:

“(i) To direct the appropriate respondent authority/authorities to make necessary correction in the Gazette notification issued by the Ministry of Road Transport & Highways, Govt. of India, New



Delhi dated 27.09.2017 in terms of Section-3(D) of the National Highways Act, 1956 in so far as it relates to the Petitioner declaring and describing therein land covered under Khata No.-87, Plot No.-498, Thana No.-81 measuring an area of 37 decimal and 01 Kari of land belonging to the Petitioner by virtue of a registered sale deed dated 06.10.16 situated at Mauza-Katihar in the district of Katihar as the land falling under pucca road/residential category, entry thereof having been made in the notification dated 27.09.17 as 'Bhit-2' land, which is the subject matter of land acquisition exercise in connection with 4-laning at NH-131 'A' (Purnea-Narenpur) covering a distance of 06 kilometer to 55 kilometer.

(ii) To further quash the award being no. 50 vide Record No. 26/2016-17 issued by the District Land Acquisition Officer, Katihar whereby the Petitioner was directed to appear before the said Land Acquisition Officer, Katihar on 24.10.29 alongwith necessary documents in connection with payment of compensation and other accompanying benefits.

(iii) To further direct the Respondent Authority/Authorities to declare and treat the land covered under Khata No.-87, Plot No.-498, Thana No.-81, Mauza-Katihar; measuring an area of 37 decimal and 01 Kari of land as the land forming part of the residential complex/pucca road category, and as a consequence thereof, make payment of the compensation at the rate of Rs. 1,40,000/- per decimal as disclosed and



communicated to the Petitioner under Right to Information Act, 2005 vide letter no. 24 dated 06.01.2020 by the Public Information Officer-cum-District Sub-Registrar, Katihar.”

3. Learned counsel for the NHAI raises preliminary objection to the effect that an alternative remedy is available to the petitioners by way of filing 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 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. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.



7. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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