

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4379 of 2023

Prem Kishore Mehrotra S/o Late Naval Kishor Mehrotra, Resident of Jandaha, P.O.-Jandaha, P.S.-Jandaha, Dist.-Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The District Land Acquisition Officer, Vaishali.
4. The Sub Divisional Magistrate, Mahua, Dist-Vaishali.
5. The Circle Officer, Jandaha, Dist-Vaishali.
6. Titli Mehrotra, W/o-Late Vimal Kishor Mehrotra, Resident of Jandaha, P.O.-Jandaha, P.S.-Jandaha, Dist.-Vaishali, Bihar.
7. Rajiv Kumar Mehrotra, S/o-Late Vimal Kishor Mehrotra, Resident of Jandaha, P.O.-Jandaha, P.S.-Jandaha, Dist.-Vaishali, Bihar.
8. Sanjiv Kumar Mehrotra, S/o-Late Vimal Kishor Mehrotra, Resident of Jandaha, P.O.-Jandaha, P.S.-Jandaha, Dist.-Vaishali, Bihar.
9. Sangita Mehrotra @ Bebi, D/o-Late Vimal Kishor Mehrotra, Resident of Jandaha, P.O.-Jandaha, P.S.-Jandaha, Dist.-Vaishali, Bihar.
10. The Project Director, N.H.A.I., Vaishali, Bihar. N.H. 102 (New 322).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, (GP 18)
	:	Mr. Ranjan Kumar Dubey, Adv.
	:	Mr. Nawnit Kumar Tiwary, Adv.
For the State	:	Mr. Mukul Prasad, AC to GP-18
For the Respondents Nos.6 to 9	:	Mr. Ranjan Kumar Dubey, Adv.
	:	Mr. Shashank Kashyap, Adv.
	:	Mr. Kumar Gaurav, Adv.
	:	Mr. Bambam Kumar, Adv.
For the N.H.A.I.	:	Mr. Kumar Goutam, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-08-2023 Counsel for the petitioner, counsel for NHAI, counsel for the respondent nos.6 to 9 and counsel for the State are present.

2. Counsel for the petitioner is directed to add National Highway Authority of India as a respondent in course of the day.

3. Office is directed to add the National Highways Authority of India as the respondent no.10 in the cause title page.

4. Counsel for the petitioner submits that the present writ petition has been filed for directing the respondent to pay the half of the amount of compensation to the petitioner, which awarded in lieu of land acquisition bearing Khata No.456, Khesara No.557 and an area of 0.0845 Hect. (Approximately 21 Decimal) situated at Circle Officer-Jandaha, Vaishali. Counsel submits that the said land has been acquired for the purpose of construction of National Highway No.103 (New 322). He submits that the said land is the subject matter of Land Acquisition Case No.17 of 2021-22 and the said notice has come in the name of petitioner and his brother namely Vimal Kishor Mehrotra. Counsel further submits that petitioner is entitled for the claimed amount.

5. Counsel for the private respondent submits that petitioner has already sold his property and now demanding compensation, which is not right. Counsel also submits that a separate *Jamabandi* running in the name of both the brothers i.e. petitioner and his brother namely Vimal Kishor Mehrotra bearing Title Partition Suit No.839 of 2022.

6. Counsel for National Highways Authority of India submits that notices have been issued in the name of both said the brothers i.e. petitioner and his brother namely Vimal Kishor Mehrotra. He further submits that under Section 3H of the National Highway Act, 1956 [Act No. 48 of 1956] the power has been conferred to the competent authority (District Land Acquisition Officer) to decide on such matters.

7. In this background, the petitioner is directed to file a representation within four weeks from the date of this order before the competent authority under Section 3H of the National Highway Act, 1956 [Act No. 48 of 1956] and upon receiving the representation, the competent authority, after hearing all the concerned parties, shall decide on this matter and pass a reasoned and speaking order within 6 weeks after receiving the representation in accordance with law under Section 3H of the National Highway Act, 1956 [Act No. 48 of 1956].

8. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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