

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5376 of 2023**

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Shiv Shankar Rajesh son of Late Bishnu Prasad, resident of M.P. Dwivedi Road, Post- Naya Bazar, Police Station- Kotwali, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Bhagalpur.
2. The Collector-cum- District Magistrate, Bhagalpur.
3. The Additional Collector, Bhagalpur.
4. The District Land Acquisition Officer, Bhagalpur.
5. The Circle Officer, Sultanganj, Bhagalpur.
6. The National Highway Authority of India, through the Project Director, Bhagalpur.
7. Veena Devi wife of Kiran Prasad Yadav, resident of Balughat Road Sultanganj, Police Station- Sultanganj, District- Bhagalpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Jitendra Prasad Singh, Adv.  |
| For the State/s          | : | Mr. Md. Khurshid Alam ( AAG-12 ) |
|                          | : | Mr. Nutan Sahay, AC to AAG-12    |
| For the Respondent No.7: | : | Dr. Manoj Kumar, Adv.            |
| For the NHAI/s           | : | Mr. S.N. Pathak, Adv.            |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      24-08-2023                      Heard learned counsel for the petitioner, learned counsel for the State, counsel for the private respondents and counsel for the N.H.A.I.

2. The present writ petition has been filed by counsel for the petitioner submitting that award has been prepared for the said land, but payment has not been made to him as there is alleged to be the other claimant of the said land also, who is private respondent No.7 in the writ petition.

3. Counsel for the N.H.A.I. submits that under this circumstances, the land has been acquired under the provision of the National Highways Act, 1956 in which a power has been vested in the competent authority to decide the claim of the

parties under Section 3H(3) and Section 3H(4) of the National Highways Act, 1956.

4. In this view of the matter, petitioner is directed to file an application under Section 3H(3) of the National Highways Act, 1956 before the competent authority within 4 weeks from today, who upon notice to the private respondent No.7 shall determine the claim of the persons who in its opinion are entitled to receive the amount payable to each of them.

5. Liberty is also granted to Competent Authority for Land Acquisition (CALA) that if Competent Authority for Land Acquisition (CALA) feels that the present dispute comes within the category of Section 3H(4) of the National Highways Act, 1956, then in that case, authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated and such submissions shall be made by Competent Authority for Land Acquisition (CALA) within 3 months from the date of appearance of both the parties.

6. With the aforesaid direction, the present writ application is hereby disposed of.

**(Dr. Anshuman, J.)**

prakashmani/-

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