

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11495 of 2015

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Ramashish Singh S/o Late Jairam Singh Resident of Village Jasoiya, P.S. and District Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Aurangabad.
3. The Additional Collector cum Arbitrator, Aurangabad.
4. The Deputy Collector Land Reform cum the Competent Authority, Aurangabad.
5. The Chief General Manager, National High Way II, Aurangabad.
6. The Project Director, P.I.U., N.H.A.I., Varanasi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Adv.
For the Respondent/s	:	Mr. Sarvesh Kr. Singh, AAG-13
	:	Mr. Arya Achint, AC to AAG-13
For the NHAI	:	Mr. S. N. Pathak, Adv.
	:	Mr. Saurav Nikunj, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-09-2023

Re: I.A . No.01 of 2023

Learned counsel for the petitioner, learned counsel for the NHAI and learned counsel for the State are present.

2. The hard-copy of the substitution petition, which is filed by the counsel for the petitioner, is directed to be accepted.

3. Counsel for the State and Counsel for the NHAI have also received the copy of the said Interlocutory Application.

4. Counsel for the petitioner submits that during pendency of the writ petition, petitioner died on 08.01.2020 and

the present Interlocutory Application has been filled for substitution of the petitioner, leaving behind his heirs and legal representatives, whose details are mentioned in paragraph no.3 of the said Interlocutory Application. Counsel for the petitioner also submits that he has filed the *Vakalatnama* on behalf of heirs and legal representatives of the deceased petitioner.

5. Counsel for the State and counsel for the NHAI have no objection on the said Interlocutory Application.

6. In this background, this Interlocutory Application is hereby allowed.

7. Office is directed to delete the name of the deceased petitioner and at his place, name of his heirs and legal representatives should be substituted in the petition as well as on the soft-copy/computer and their names should also be directed to be figured in the cause-list page of the ordersheet.

8. Counsel for the substituted petitioners submits that petitioner filed an application under Section 3G(5) of the National Highways Act, 1956 [48 of 1956] in which order has been passed and he is challenging the said order passed by the competent authority under Section 3G (3 and 4) of the National Highways Act, 1956 [48 of 1956].

9. Counsel for the NHAI submits that against the said

order remedy is available to the substituted petitioners to challenge the same under Section 3G(5) of the National Highways Act, 1956 [48 of 1956].

10. In this background, this writ petition is hereby disposed off with the direction to the petitioner to avail the remedy under Section 3G(5) of the National Highways Act, 1956 [48 of 1956].

(Dr. Anshuman, J.)

Ashishsingh/-

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