

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5297 of 2023

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1. Raj Kishor Singh S/o Late Shivratan Singh, Resident of Village- Konchi, P.S.- Guraru, District- Gaya.
 2. Jitendra Singh S/o Late Byas Singh, Resident of Village- Konchi, P.S.- Guraru, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Reform Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Land Acquisition Officer, Gaya.
4. The Circle Officer, Guraru.
5. The Project Director, P.I.U., Gaya, National Highways Authority of India-Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Narayan Singh, Adv.
For the Respondent/s	:	Mr. Md. Khurshid Alam, (AAG-12)
For the NHAI	:	Mr. S.N. Pathak, Adv.
	:	Mr. Saurav Nikunj, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-08-2023 Counsel for the petitioner is directed to add The Project Director, P.I.U., Gaya, National Highways Authority of India-Bihar as party respondent no.5 in course of the day.

2. Counsel for the petitioner, counsel for the National Highways Authority of India and counsel for the State are present.

3. Counsel for the petitioner submits that the land was recorded in the name of the grandfather of the petitioner and for the construction purpose of National Highway No.119 D the

said land was acquired and demanded papers were deposited before the Land Acquisition Officer, Gaya which is Annexure-2 series. According to the petitioner, there is no decision taken till date by the authority.

4. Counsel for the National Highways Authority of India submits that it transpires from the pleadings that there is a dispute between the coparceners for the amount of compensation. Counsel further submits that since award has not been named in the petitioner individually rather it was prepared in the name of petitioner's grandfather, therefore, in this situation the remedy is available for the petitioner is before CALA (Competent Authority-cum-Land Acquisition) under Section 3 H (4) of the National Highway Act, 1956 [Act No. 48 of 1956].

5. Counsel for the State submits that upon filing the application before the CALA (Competent Authority-cum-Land Acquisition), the Authority of CALA (Competent Authority-cum-Land Acquisition) shall pass an order.

6. In this background, this writ petition is disposed off with the direction to the petitioner to file a fresh application under Section 3 H (4) of the National Highway Act, 1956 [Act No. 48 of 1956] before the CALA (Competent Authority-cum-

Land Acquisition) describing all the details and names of the other persons relating to the said land acquisition. The petitioner is directed to file his representation within 4 weeks from the date of the order and CALA (Competent Authority-cum-Land Acquisition) is directed to pass an order within 6 months from the date of filing of the representation and after passing the order the CALA (Competent Authority-cum-Land Acquisition) is directed to refer the matter in accordance with law laid down under National Highway Act, 1956 [Act No. 48 of 1956].

(Dr. Anshuman, J.)

Ashishsingh/-

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