

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9834 of 2021

=====

Kedar Singh son of Late Ramdeo Singh resident of Village- Kanbehri, P.S.-
Aurangabad (M) and District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna (Bihar).
2. The District Magistrate cum Collector, Aurangabad.
3. The Competent Authority cum Deputy Collector, Aurangabad.
4. The Chairman cum Managing Director, NHAI, New Delhi.
5. The Project Implementation unit National Highway Authority its H.O. at Rohtas at Sasaram (Bihar).

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25
For the NHAI	:	Mr. Shri Nath Pathak, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-11-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for payment of compensation treating the land of the petitioner as commercial instead of agricultural.

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 appropriate application 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 petitioners 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. Petitioners shall be at liberty to seek remedy before the appropriate forum as may be available to them in accordance with law.

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

(Prabhat Kumar Singh, J)

shashank/-

U			
---	--	--	--

