

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7436 of 2020

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1. Asgar Alam Son of Late Mahboob Alam, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.
 2. Latif Alam, Son of Late Md. Hanif, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.
 3. Shajadi Begum, W/o Late Shamsher Alam, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.
 4. Aziz Mian, Son of Late Mahboob Alam, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.
 5. Rafique Alam, Son of Late Md. Hanif, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.
 6. Md. Jahangir Alam, Son of Late Md. Hanif, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.
 7. Md. Safique Alam, Son of Late Md. Hanif, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.
 8. Samsha Khatoon, W/o Late Md. Eqram Alam, Resident of Village-Jindapur, P.S.-Magadh University, District-Gaya.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Road and Transport, Govt. of India, New Delhi.
2. National Highways Authorities of India through General Manager (Technical)/Project Director, Project Implementation Unit, Gaya Office, at 70/244, Opposite Judicial Quarters, Chanakyapuri, Gaya-823001.
3. The General Manager (Technical) Project Director, Project Implementation Office, Gaya Office, at 70/244, Opposite Judicial Quarters, Chanakyapuri, Gaya-823001.
4. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
5. The Collector, Gaya.
6. The Arbitrator-cum-Additional Collector, Gaya.
7. Competent Authority-cum-District Land Acquisition Officer, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Ranjan Kumar, Advocate
For the Respondent/s	:	Mr.Dr. K.N. Singh (Asg)
for the NHAI		Mr. AB Mathur, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER



8 19-12-2023 Heard learned counsel for the parties.

2. Writ application has been filed with a prayer to direct the Respondents, particularly National Highways Authorities of India to pay the compensation amount to the petitioners on account of acquisition of their land appertaining to Khesra No.-217, 219, 221 and 223 as well as for a direction to the respondents to pay the compensation to the petitioners in-light of order dated 02.05.2017, passed in R.A.Case No. 204 of 2015 (Md. Safique and others Vrs. State of Bihar & Others) by Arbitrator-cum-Additional Collector Gaya, circulated vide memo no. 06 dated 22.07.2017.

3. It is submitted on behalf of the petitioners that petitioners had earlier filed a case vide Arbitration Case No. 204/15 before the court of Arbitrator u/s 3G(5) and 6 of N.H. Act. It is further submitted that Plot No. 217, 219, 221 and 222 are house constructed plots and other plots' are mentioned in the notice are vacant plots but the aforesaid plots were left due to overlooking and order of residential nature have been passed of above noted only four plots on dated 02.05.2017 whenever aforesaid rest 10 plots of the petitioners are also much more precious as well as valuable plots which have been acquired for construction of four lane broad way scheme under



N.H. 83.

4. Counter affidavit has been filed by respondent no.2 and 3. It is submitted that respondent no-2 & 3 (NHAI) was not satisfied with the orders dated 02-05-2017 (Annexure-1) passed by Arbitrator Cum-Additional Collector, Gaya in Arbitration Case no-204/2015. Being aggrieved, they have filed Misc.Case No. 91 of 2017 before the Principal Civil Court of original jurisdiction, Gaya in terms of section 34 & 36 of the Arbitration and Conciliation Act 1996. Learned counsel submits that in the present circumstances, the petitioners may raise their grievances before the Principal Civil Court.

5. In view of the above facts and circumstances of the case, this writ petition is disposed of with liberty to the petitioners to agitate their grievances in Misc.Case No. 91 of 2017 pending before the Principal Civil Court of original jurisdiction, Gaya.

(Prabhat Kumar Singh, J)

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