

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7406 of 2023

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1. Arbind Chaudhary S/o- Late Rajeshwar Chaudhary R/o- Village and P.O.- Dabhaich, P.S.- Tisiauta, District- Vaishali.
 2. Angesh Kumar, S/o- Late Sundeshwar Chaudhary R/o- Village and P.O.- Dabhaich, P.S.- Tisiauta, District- Vaishali.

... .. Petitioners

Versus

1. The State of Bihar through the Collector-cum-District Magistrate, Vaishali at Hajipur.
2. Land Acquisition Commissioner, Tirhut Division, Muzaffarpur.
3. The District Land Acquisition Officer-cum-Competent Authority, Vaishali at Hajipur.
4. The Revenue and Land Reforms Officer, Mahua, Vaishali.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ram Shankar Das, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioners and the State.

2.Writ petition has been filed for directing the respondents to pay the petitioners fair compensation of their acquired land as mentioned in paragraph 5 of the writ petition, by correcting the categorization of land to be commercial in place of agricultural.

3. At the very outset, learned counsel for the respondents raises a preliminary objection to the effect that statutory alternative remedy is available to the petitioners with regard to insufficiency of the compensation amount as determined, by way of arbitration in terms of Section 3G (5) of the National Highways Act, 1956.

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. However, petitioners are directed to file an appropriate application before the appropriate authority along with all the relevant documents in support of the claim, within a period of six weeks from today.

7. In the event, such application is filed by the petitioners, appropriate authority shall examine claim of the petitioners and dispose of the same in accordance with law after hearing the parties, preferably within a period of six months thereafter.

8. It is made clear that if the petitioners approach the appropriate authority, he would have regard to the present proceeding being pursued by the petitioners, while considering any issue relating to condonation of delay, if applicable.

9. The writ application stands disposed of.

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(Prabhat Kumar Singh, J)

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