

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7097 of 2023

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Rekha Devi, W/o Sri Arun Singh, R/o Village - Bharat Pur Singhara, P.S.
Mahua, Dist. - Vaishali.

... .. Petitioner/s

Versus

1. The Chairman, National Highway Authority of India New Delhi.
2. The State of Bihar through the Revenue Secretary, Govt. of Bihar Patna.
3. The District Magistrate, Vaishali.
4. The Land Acquisition Officer, Vaishali.
5. The Circle Officer, Mahua, Dist. Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Md. Khurshid Alam, AAG-12
For N.H.A.I.	:	Mr. Rajesh Shandilya, Advocate
		Mr. Vinayak Harshwardhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-11-2023

1. Heard learned counsels for the parties.

2. By way of this writ application, the petitioner has challenged the quantum of compensation assessed by the Authorities on the ground that the same has not been assessed in view of the valuation of year 2022 of the land in question.

3. Learned counsel for the NHAI raises preliminary objection to the effect that an alternative statutory remedy is available to the petitioner by way of filing appropriate application under Section 3G(5) of The National Highways Act, 1956, which reads as:

4. *“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.”

5. Learned counsel for the petitioner does not dispute the above proposition.

6. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

7. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to her in accordance with law.

8. It goes without saying that if any question of limitation arises before the appropriate forum, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

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

(Prabhat Kumar Singh, J)

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