

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6826 of 2023

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Sunil Kumar Choudhary S/o Shyamanand Choudhary, Resident of Village-
Manoharpur, P.S.- Manihari, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and land Reforms Department, Bihar, Patna.
2. The Divisional Commissioner-cum- Arbitrator, Purnea Division, Purnea.
3. The Collector cum District Magistrate, Katihar.
4. The District Land Acquisition Officer, Katihar.
5. The Executive Engineer, Building Construction Department, Building Division, Katihar.
6. The Union of India, Through the Secretary, Ministry of Road Transport and Highways, Transport Bhawan, 1 Parliament Street, New Delhi.
7. The Project Director, National Highway Authority, PIU, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the U.O.I.	:	Mr. Vandan Kishore, Advocate
For the N.H.A.I.	:	Mr. Dr. Anand Kumar, Advocate
		Mr. Ramesh Gupta, Advocate
For the State	:	Mr. Arun Kumar Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 21-09-2023

Heard learned counsel for the petitioner, learned counsel for the National Highways Authority of India, learned counsel for the Union of India and learned counsel for the State.

2. Present writ petition has been filed seeking direction to the respondent concern to consider the claim of the

petitioner and pay the amount of compensation of Rs. 21,68,205/- alongwith interest as per the valuation report of building, which has been acquired for construction of NH-131A Four Lane Road i.e. Narayanpur-Purnea road by the NHAI.

3. Learned counsel for the petitioner submits that petitioner's land area 8.8 decimal of Plot No.408 appertaining to Khata No. 150 situated in Mouza- Manoharpur District- Katihar was subject to acquisition for N.H.-131A four lane road Narayanpur-Purnea for which Land Acquisition Case No. 44/2016-17 was initiated and compensation amount has been fixed but not a single penny has been paid to the petitioner. Counsel further submits that in the said Land Acquisition Case reassessment of the value of the building was made subsequently but till date neither payment for his land nor building has been paid. Counsel further submits that letters dated 02.05.2022 and 24.09.2022 have been issued by the District Land Acquisition Officer, Katihar and in response thereof the Project Director issued a letter dated 21.12.2022 by which it has been accepted by the Project Director that compensation amount as claimed by the District Land Acquisition Officer has been approved and if the petitioner is dissatisfied from the said amount, he shall be at liberty to file an

application before the competent Tribunal under National Highways Act, 1956.

4. Learned counsel for the NHAI present and submits that petitioner has liberty to move before the Arbitrator under Section 3G(5) of the National Highways Act, 1956.

5. Learned counsel for the State submits that petitioner is entitled for compensation and in case of dissatisfaction, he has liberty under law to move before Arbitrator.

6. After hearing the argument and going through the records, it transpires to this Court that on principle NHAI and Land Acquisition Officer are ready to make the payment but not a single penny has been paid to the petitioner either of his land or his house.

7. In this background, Land Acquisition Officer, Katihar is directed to make payment to the petitioner within four weeks from the date of production of a copy of this order and petitioner shall be at liberty to receive the said amount with objection and in case on dissatisfaction, he shall file an application before the Arbitrator under Section 3G(5) of the National Highways Act, 1956.

8. With the aforesaid observation and direction, the

present writ petition is disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.09.2023
Transmission Date	N.A.