

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4284 of 2016

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Nakul Pandit Son of Late Puran Pandit, resident of village- Baghpur, P.O.-
Punpun, P.S. Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and National Highway Department, Govt. of India, New Delhi
2. The Project Director, National Highway Authority of India, New Delhi
3. The Managing Director, National Highway Authority of India, New Delhi
4. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar
5. The District Magistrate, Patna
6. The District Land Acquisition Officer-cum-Competent Authority under National Highway Act, Patna Collectorate, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-11-2023 Heard learned counsel for the parties.

2. Present writ petition has been filed for restraining the respondent authorities from acquiring the petitioner's building in the name of agricultural land with wrong projection of Khata No. 124, Plot No. 425 situated in Village- Baghpur under Parsa Bazar Police Station of Patna District.

3. Learned counsel for the State raises preliminary objection to the effect that an alternative 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:

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

7. It is made clear that if petitioner avails remedy available to him by filing application before the appropriate forum within a period of six weeks from today, respondent authorities concerned are directed to dispose of such application in accordance with law after hearing the parties, preferably within a period of six months from the date of filing of such application.

8. Writ petition stands disposed of with the aforesaid



observations.

(Prabhat Kumar Singh, J)

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