

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9485 of 2023

1. Sigheshwar Prasad Singh Late Daya Shankar Singh R/o Village- Sarhad Madho, P.S. Patori, District. Samastipur Present Address - Village-Kadilpur, P.O. Kadil pur, P.S.- Jandaha, Dist- Vaishali
2. Sudhir Kumar Singh S/o Late Daya Shankar Singh R/o Village- Sarhad Madho, P.S. Patori, District. Samastipur Present Address - Village-Kadilpur, P.O. Kadil pur, P.S.- Jandaha, Dist- Vaishali
3. Birendra Kumar S/o Late Daya Shankar Singh R/o Village- Sarhad Madho, P.S. Patori, District. Samastipur Present Address - Village-Kadilpur, P.O. Kadil pur, P.S.- Jandaha, Dist- Vaishali
4. Vinay Kumar Singh S/o Late Daya Shankar Singh R/o Village- Sarhad Madho, P.S. Patori, District. Samastipur Present Address - Village-Kadilpur, P.O. Kadil pur, P.S.- Jandaha, 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 District Land Acquisition Officer Vaishali
5. The Circle Officer Jandaha, Dist. Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp 18)
		Mr. Kumar Gautam, Adv. For NHAI

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-12-2023 Heard learned counsel for the parties.

2. This writ application has been filed for directing the concerned respondent to make payment of compensation to the petitioners on the ground that petitioners are co-sharers of the land in question, which has been acquired for construction of 4-lane (HG 119D) from Kalyan Pur (Hajipur) to Bela Navada Darbhanga under Vaishali District on Project “*Bharatmala*”.



3. At the very outset, learned counsel for the respondent no. 1/National Highway raises preliminary objection to the effect that petitioner has got alternative remedy with regard to payment of compensation amount, by way of filing appropriate application under Section 3H(4) of the National Highways Act, 1956, which reads as follows:

“If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

4. Learned counsel for the petitioner does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioner to file representation before the competent authority.

5. In the above view of the matter, this writ application is disposed of with liberty, as indicated above. If such representation is filed within a period of six weeks from today, the same shall be referred to the principal Civil Court, who shall pass order after hearing the parties in accordance with law.



6. Writ application stands disposed of with the
aforesaid observations.

(Prabhat Kumar Singh, J)

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