

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13527 of 2015

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Gaya Prasad @ Gaya Sah son of Late Sita Ram Sah, r/o village- Kaurihar,
P.S. Raxaul, Dist. East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms department cum
Director, Land Acquisition Officer
3. The Project Director, National Highway Authority of India, Ministry of
Road Transport and Highway Project Implementation Unit, Muzaffarpur
4. The Collector, East Champaran, Motihari
5. The Addl. Collector, East Champaran, Motihari
6. The District Land Acquisition Officer, East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Advocate
For the Respondent/s : Mr. Ashok Kumar Keshri

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioner and State .

2. Present writ petition has been filed for directing the respondent authorities for making payment of compensation as per the market value which is going to be acquired for construction of NH-28A from Pipra Kothi to Raxaul going through Jokiyari village having the Khata No. 206 bearing Khesra No. 619, having an area of 0.0240 Hectare separately in L. A . Case No. 6/2011-12.

3. Learned counsel for the respondent(s) 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 them in accordance with law.

7. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court.



8 . This writ petition stands disposed of with the
aforesaid observations.

(Prabhat Kumar Singh, J)

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