

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13249 of 2021

1. Chandra Shekhar Prasad son of Late Sita Ram Keshri @ Late Sitaram Sah, resident of Village-Ahirauli, Police Station-Buxar (I), District-Buxar.
2. Shila Devi, Wife of Late Nageshwar Prasad Keshri, resident of Village-Ahirauli, Police Station-Buxar (I), District-Buxar.
3. Chaturbhuj Prasad, Son of Late Sita Ram Keshri @ Late Sitaram Sah, resident of Village-Ahirauli, Police Station-Buxar (I), District-Buxar.
4. Navin Kumar, son of Late Nageshwar Prasad Keshri, resident of Village-Ahirauli, Police Station-Buxar (I), District-Buxar.
5. Neeraj Kumar, Son of Late Nageshwar Prasad Keshri, resident of Village-Ahirauli, Police Station-Buxar (I), District-Buxar.
6. Murli Manohar Keshri, son of Late Sita Ram Keshri @ Late Sitaram Sah, resident of Village-Ahirauli, Police Station-Buxar (I), District-Buxar.
7. Madan Mohan Prasad, son of Late Sita Ram Keshri @ Late Sitaram Sah, resident of Village-Ahirauli, Police Station-Buxar (I), District-Buxar.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Competent Authority cum The District Land Acquisition Officer, Buxar.
4. The Sub-divisional Officer, Buxar.
5. The Deputy Collector, Land Reforms, Buxar.
6. The Circle Officer, Buxar.
7. The Regional Officer, National Highways Authority of India, B Block, Ground Floor, Shivmitra Apartment, Vivekanand Path, Boaring Road, Patna.
8. The Project Director, National Highways Authority of India, Project Implementation Unit I, B Block, Ground Floor, Shivmitra Apartment, Vivekanand Path, Boaring Road, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Ms. Nutan Sahay, AC to AG-12
For the NHAI	:	Ms. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-10-2023 Heard learned counsel for the petitioners, State and
the NHAI.



2. Present writ petition has been filed for directing the respondent authorities to pay the compensation to the petitioners for land situated in Mauza Ahirauli, Thana No. 335, Khesra No. 1798 acquired by the National Highways Authority of India for widening/four land construction of National Highway 84 treating the nature of land as commercial as declared by the six-men committee report dated 11.09.2016. The respondents have paid the compensation treating the nature of land as agricultural land.

3. Learned counsel for the NHAI raises preliminary objection to the effect that an alternative remedy is available to the petitioners by way of filing appeal 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 petitioners 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. Petitioners shall be at liberty to seek remedy before the appropriate forum as may be available to them in accordance with law.

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

(Prabhat Kumar Singh, J)

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