

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.233 of 2018

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Ram Pukar Singh, Son of Late Dudhnath Singh, resident of Village-
Karanpura, P.S. Ekma, District- Saran.

... .. Petitioner/s

Versus

1. The National Highway, Authority Of India Through The Member Secretary
2. The Project Director, N.H.- 85, Hajipur.
3. The Regional Manager, National Highway Authority, having its Regional Office, Muzaffarpur.
4. The State of Bihar, through the Collector, Saran, Chapra.
5. The District Land Acquisition Officer, Saran, Chapra.
6. The Sub- Divisional Officer, Chapra.
7. The Circle Officer, Ekma, District Saran Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shatrughan Pandey, Advocate Mr. Awadesh Kumar Pandey, Advocate
For the State	:	Mr. S.C. Yadav, GP-15 Mr. Dhurjati K. Prasad, GP-14
For the NHAI	:	Mr. S. N. Pathak, Advocate Mr. Saurav Nikunj, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 13-02-2023

Heard learned counsel for the petitioner, learned counsel for the National Highway Authority of India ('NHAI' in short) and learned counsel for the respondent State of Bihar.

The petitioner has filed the instant application for the following relief(s):

“i. To issue an appropriate writ/writs, order/orders direction/ directions including the writ of



Mandamus, commanding and directing the authority concern, to issue notice to the petitioner for compensation of the land.

ii. To issue an appropriate writ/writs, order/orders, direction/ directions including the writ of mandamus, commanding and directing the authority concern to prepared the award of compensation of the land in question at the rate of developing land.

iii. To issuance an appropriate writ/writs, order/orders, direction/directions including writ of Mandamus, commanding and directing the authority concern to make payment of compensation with interest.

iv. And for any other reliefs/ reliefs for which the petitioner in found to be entitled in the eye of law.”

In brief, the case of the petitioner is that the land appertaining to Khata no. 148, Survey no. 3035, Khata no. 148, Survey no. 3061 and Khata no. 49, Survey nos. 810 and 795 situated under Mauza-Karanpura and Khata no. 24, Survey no. 1169 situated under Mauza-Aamdarhi in the district of Saran were acquired by the NHAI for construction of National Highway-85 through gazette notification published in the Hindi daily ‘Hindustan’ on 1.2.2010. It is the case of the petitioner that the lands in question are the ancestral property of the petitioner. In spite of repeated requests before the authorities concerned for payment of compensation, no steps have been taken for payment



of compensation to the petitioner.

Counter affidavits were filed on behalf of the respondents.

It is submitted by learned counsel appearing on behalf of the respondent State of Bihar that so far as payment of compensation for the plot nos. 810 and 795 situated in Mauza-Karanpura and plot no. 1169 situated in Mauza Amdarhi are concerned, the amount has been paid to the petitioner through RTGS. With respect to payment of compensation for plot nos. 3061 and 3035, the respondent no. 5, namely, the District Land Acquisition Officer, Saran, Chapra issued notice to the parties. Both the parties appeared before the said respondent no. 5 and after hearing their respective cases, the order dated 13.2.2021 (Annexure-C to the counter affidavit of the respondent nos. 4 and 5) was passed. It is submitted that there is no illegality in the order dated 13.2.2021 and in view of the aforesaid, the writ application be dismissed.

Having heard learned counsel for the parties and on perusal of the order dated 13.2.2021 passed by the District Land Acquisition Officer, Saran, Chapra, it transpires that both the petitioners Ram Pukar Singh as also one another private party namely, Chhavinath Singh, raised questions of title before the



respondent no. 5 who having perused the material on record and having heard the parties, referred the matter to the civil Court of competent jurisdiction for determination of title of the respective parties and further observed that payment of compensation would be dependent on the said adjudication by the competent Court.

At this stage it would be relevant from section 3H(4) of the National Highways Act, 1956 which is quoted herein below:

“4. 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.”

Having heard learned counsel for the parties and taking into consideration the provisions of section 3H(4) of the National Highways Act, 1956 as quoted herein above together with the contents of the order dated 13.2.2021 (Annexure-C to the counter affidavit of the respondent nos. 4 and 5) passed by respondent no. 5, the District Land Acquisition Officer, Saran, Chapra, the Court finds no



illegality in the same. The payment of compensation will be subject to the decision of the competent civil Court of original jurisdiction.

The writ application stands disposed of.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	15.02.2023
Transmission Date	

