

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8927 of 2022

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Sabita Devi @ Anila Devi wife of Shambhu Kumar Singh, resident of
Village- Sarabe Tole Mangati, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Bihar.
2. The District Magistrate Cum Collector, Madhubani.
3. The Additional Collector, Madhubani.
4. The Land Acquisition Officer, Madhubani.
5. The Commissioner, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Advocate Ms. Kusum Rani, Advocate
For the Respondent/s	:	Md. Khurshid Alam (AAG12) Smt. Nutan Sahay, A.C. to AAG 12
For NHA	:	Mr. S.N.Pathak, Advocate Mr. Saurav Nikunj, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

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

*“ To issue an appropriate order/s,
direction/s including a writ preferably in the nature
of mandamus commanding and directing open the
respondents to make the payment of compensation to
the petitioner in lieu of acquisition of her land
measuring an area 0.1225 Hect. appertaining to
Khesara No. 929 situated in mauza Mangarauni
P.S.- Raj Nagar, District Madhubani acquired for the*



purpose of construction of New National High Way No. 527A starting from its junction with new 527B near Pokhrauni chowk connecting Madhubani Rampatti, Jhanjharpur, Samey Chowk Awam, Laufa, Bheja No. 327 near Parsarama in the State of Bihar in exercise of the powers conferred under subsection-2 of section 2 of the National High Way Act 1956.

(ii) To direct the respondents to make the payment of compensation of the above mentioned land considering the nature of land residential house as well as per the market value of land prevailing in the area in terms of section 3 (G) of the National High Way Act 1956.

(iii) To direct the respondents to make the payment of penal interest to the petitioner on the quantum of compensation of land after determination of land as per the market value of the area on account of delay and laches on the part of respondents.

(iv) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

At the outset, learned counsel for the petitioner prays that Commissioner, Darbhanga, who is the Arbitrator under the Act, be impleaded as respondent no.5 in the instant application.

Prayer is allowed.

Let the Commissioner, Darbhanga be impleaded as respondent no.5. Office to make necessary corrections.



Learned counsel for the petitioner submits that pursuant to the notification under section 3A(1) of the National Highways Act, 1956 (hereinafter referred to as the “Act”), the petitioner filed his objection. The respondent authorities without deciding the same has proceeded in the matter.

Learned counsel for the respondent-State of Bihar submits that besides the petitioner not having impleaded the National Highway Authority of India as a party respondent, it is submitted that the so called objection filed by the petitioner as contained in Annexure-7 to the writ application was beyond the time prescribed under the Act. It is further submitted that the award has been prepared and subsequent thereto the notice dated 26.2.2022 as contained in Annexure-10 has been issued to the petitioner. The remedy for the petitioner is not to file the instant writ application but to pursue the matter under section 3G(5) of the National Highways Act, 1956.

After some argument, learned counsel for the petitioner seeks permission to withdraw the instant application to move an appropriate application under section 3G(5) of the Act.

The application is disposed of as withdrawn with the aforesaid liberty.



In case an application is filed under section 3G(5) of the Act within a period of four weeks, the same shall be decided by the respondent authorities in accordance with law at the earliest.

(Partha Sarthy, J)

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