

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5092 of 2015

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1. Moolchand Golchha and Anr son of Govardhan Das Golchha, resident of Ward No.5, Arun Golcha Path, P.S. Forbisganj, District Araria.
 2. Manish Golchha, son of Mangi Lal Golchha, resident of Ward No.5, Arun Golcha Path, P.S. Forbisganj, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat,
3. The District Magistrate, Araria.
4. The Competent Authority-cum-District Land Acquisition Officer, Araria.
5. The National Highway Authority of India NHAI, Ministry of Road Transport and Highways, Government o
6. The Project Director, Project Implementation Unit PIU, Sahibaan Hata, Near Mahananda Colony, Purne

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the State	:	Mr. Ajay Bedari Sinha, GA-8
		Ms. Seema Ghayala, AC to GA-8
For the NHAI	:	Mr. S. N. Pathak, SC
		Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. Present writ petition has been filed for the following reliefs:

“(i) For a direction to the respondent authorities to pay the interest as computed by the respondent District Land Acquisition Officer against delayed payment of compensation under Section 34 of the Land Acquisition Act, 1894.



(ii) For a declaration that the interest is payable against delayed payment of compensation irrespective of the fact as to whether such delay has been caused by the respondent no. 6 or the respondent no. 4; and for any other relief or reliefs to which the petitioners are found entitled.”

3. At the very outset, 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 sub-section (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 him in accordance with law.

7. Writ petition stands disposed of with the aforesaid



observations.

(Prabhat Kumar Singh, J)

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