

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.844 of 2021

SHATRUGHAN SINGH, Son of Late Ram Shewak Singh, Resident Of Village- Belahari, P.O.- Belarari, P.S.- Sikraul, District- Buxar, At Present Resident Of Mohalla- Maharaja Hata, Bangala Ghat, P.S.- Buxar (Town), Buxar, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old secretariat, Patna
2. The District Collector-cum-District Magistrate, Buxar, District- Buxar
3. The District Land Acquisition Officer-cum-Additional District Collector-cum-ADM Buxar
4. The Sub Divisional Officer, Buxar
5. The Anachaladhikari (Circle Officer) Buxar Sadar, District- Buxar
6. The Project Director, National Highway Authority of India.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Manendra Kumar Sinha, Advocate
For the State	:	Md. Khurshid Alam, AAG-12 Ms. Nutan Sahay, AC to AAG-12
For N.H.A.I.	:	Mr. S.N. Pathak, Advocate Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 28-11-2023

1. Heard learned counsels for the parties.

2. This writ application has been filed for the following reliefs:-

“i) To direct the respondent authorities regarding payment of compensation properly to the petitioner in the name of petitioner who is actual owner of the land pertaining to khata no. - 81, Plot No. - 2064, Thana No. 335, Mauza- Ahirouli (Buxar) and not to the original Raiyat against the acquisition of land for widening of N.H. 84 Patna-Buxar four lane road.



ii) For direction to the respondents to grant the appropriate compensation to the petitioner and pay the same on commercial rate in lieu of agricultural rate in the light of six member enquiry committee report dated 11.09.2016.

iii) For direction to the respondent authorities to consider the six member committee report dated 11.09.2016 headed by the District Collector, Buxar (Respondent No. 2) where by the nature of the land was declared as commercial nature.

iv) To direct the respondents to issue the notice to the petitioner for getting compensation against the acquired land as he is real owner of the land.

v) Any other relief or reliefs for which the petitioner is entitled to.”

3. In sum and substance contention of the petitioner is that he should be paid compensation on commercial rate in lieu of agricultural rate in light of the Six Member Committee Report dated 11.09.2016.

4. It is the contention of the petitioner that in light of the contention made on behalf of the parties, the then Collector, Buxar constituted a six members enquiry committee presided by himself to enquire the matter for ascertaining the nature of acquired land by way of physical verification. The committee has enquired the matter in detail and examined all the aspects after spot verification on 11.09.2016 and finally prepared its report by which the nature of all the acquired land was fixed. It



is specifically submitted that petitioner's land has been mentioned at serial No. 85 in the said enquiry report and nature of land was declared as commercial.

5. Learned counsel for the State submits that the petitioner has not produced the conversion certificate of nature of the land from agricultural to commercial by the Authorities and also the rent receipt submitted by the petitioner is not commercial.

6. Learned counsel for the NHAI 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:

7. *“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.”*

8. Learned counsel for the petitioner does not dispute the above proposition.

9. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.



10.Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.

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

(Prabhat Kumar Singh, J)

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