

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9619 of 2023

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Rukmini Devi Wife of Ram San Jeevan Thakur Resident of Village- Garua Ara, P.O.-Sindhiya Khurd, P.S.-Muffasil, District-Samastipur, Presently Residing in Village-Srikrishna Nagar, Near Banswari Tola, Khabra @ Kiratpur Gurudas, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The Collector-Cum-District Magistrate, Samastipur.
4. The District Land Acquisition Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-12-2023 Heard learned counsel for the parties.

2. This writ application has been filed for commanding the respondents to make payment of compensation to the petitioner treating the land of the petitioner as commercial instead of agriculture.

3. At the very outset, learned counsel for the respondents / State raises preliminary objection to the effect that petitioner has got alternative remedy with regard to insufficiency of compensation amount, by way of filing appropriate application under Section 3G(5) of the National Highways Act, 1956, which reads as follows:



“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 petitioner does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioner to file application before the Arbitrator, in view of Section 3G(5) of the National Highways Act, 1956

5. In the above view of the matter, this writ application is disposed of with liberty, as indicated above. If such application is filed by the petitioner, the authority concerned shall examine the same, after hearing the parties, and pass appropriate order in accordance with law.

6. It goes without saying that if any question of limitation arises before the authority concerned, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.



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

(Prabhat Kumar Singh, J)

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