

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1991 of 2021

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1. Vinod Kumar Singh son of Late Ram Bachan Singh R/o village - Barungunj, P.S. - Barun, District- Aurangabad.
 2. Sudhir Kumar Singh son of Late Ram Bachan Singh R/o village - Barungunj, P.S. - Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Aurangabad.
3. The Addl. Collector, Aurangabad.
4. The Competent Authority-Cum-Deputy Collector, Land Reform, Aurangabad.
5. The Project Manager, Project Implementation Unit, Fazalganj, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Raj Kishore Roy, GP 18
		Mr. Mukul Prasad, AC to GP 18
For the NHAI	:	Mr. Gaurav Govinda, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-12-2023 Heard learned counsel for the petitioners, State and the NHAI.

2. Petitioners by way of this writ petition have challenged the quantum of compensation on the ground that land of the petitioners appertaining to Khata No. 171, Plot No. 1419 measuring an area 495 sq. meters situated in Mauza Barunganj Circle- Barun District- Aurangabad which has been acquired for construction of Railway over bridge of N.H. 2 should be treated as commercial land instead of agricultural



land.

3. Learned counsel for the NHAI raises preliminary objection to the effect that an alternative remedy is available to the petitioners by way of filing appropriate application 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 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 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 them in accordance with law.

7. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the



petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

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

(Prabhat Kumar Singh, J)

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