

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13860 of 2023

=====

Gayatri Devi Wife of Ashok Kumar Gupta, Resident of village- Dudhaili P.S.- Akbarpur District- Nawada, Residing at present Kali Chowk Kalali Road Nawada Godanpur, P.S.- Nawada, District- Nawada Pin -805110

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary Land and Revenue Govt. of Bihar, Patna
2. The Principal Secretary, Land and Department, Government of Bihar, Patna.
3. The Director Land Acquisition, Patna.
4. The Finance Commissioner Bihar, Patna.
5. The Secretary-cum- Commissioner Public Work Department Govt. of Bihar, Patna.
6. The District Magistrate Cum Collector, Nawada.
7. The Land Acquisition Officer Nawada, Bihar.
8. The Director, national Highways Authority N.H.31 Bakhtiyarpur, Rajauli Section.
9. The Circle Officer, Akbarpur, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (Gp 18)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner, State .

2. By way of filing this writ application , petitioner has questioned the quantum of the compensation assessed by the respondent authorities.

3 . It is the objection of the petitioner that instead of treating the land of the petitioner as residential, the same has been treated as agricultural.

4. Learned counsel for the State appears and 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:

“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.”

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

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

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

8 . 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



petitioner was pursuing the issue before this Court.

9. This writ petition stands disposed of with the
aforesaid observations.

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

