

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1206 of 2023

Md.Jamil Akhtar Son of Md. Munif, Resident of Village Narayanpur, P.S. Manihari, District Katihar.

... .. Petitioner/s

Versus

1. The National Highway Authority of India, through Regional Manager, resident of D-63, 1st Floor, Srikrishnapuri, Patna-800001.
2. The Project Director, National Highway Authority of India, Project Implementation Unit, Purnea.
Resident of House of Sri Sikendra Singh, Saheban Hata, Mahananda Colony, near Janta Chowk, District Purnea.
3. The District Magistrate cum Collector, Katihar.
4. The District Land Acquisition Officer, Katihar.
5. That Anchal Adhikari, Manihari, Katihar.
6. The Amin, National Highway Authority of India, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Syed Qaisar Hasan, Adv.
	:	Mr. Md. Danyal Alam, Adv.
For the State	:	Mr. Raj Kishore Roy, GP-18.
	:	Mr. Mukul Prasad, AC to GP-18.
For the NHAI	:	Mr. S.N. Pathak, Adv.
	:	Mr. Saurav Nikunj, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the National Highway Authority of India.

2. The present writ petition has been filed seeking direction to the respondents to make payment for the damage caused to the residential house of the petitioner during the process of demolition of the acquired building situated at Village Narayanpur, appertaining to Thana No.282, Khata



No.77, Khesra No.161, admeasuring area of 10 decimals, out of which 5 decimals 412 square kari were acquired by the NHAI.

3. Learned counsel for the petitioner submits that vide Annexure-15, it transpires that the Director-cum-Special Secretary, Land Acquisition has issued letter bearing No.166 dated 25.01.2016 in which it has been stated that the calculation shall be made with regard to disturbances of the house under Section 29(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013).

4. Learned counsel for the National Highway Authority of India submits that from the pleadings of the writ petition, it is crystal clear that the present acquisition has been made under the National Highways Act, 1956 (Act No.48 of 1956), according to which the remedy available to the petitioner for enhancement of any compensation under various categories is before Arbitrator and the petitioner has already moved before the Arbitrator and after decision of the Arbitrator, the petitioner further moved in accordance with Section 3G(6) of the National Highways Act, 1956 (Act No.48 of 1956) before the Principal, Civil Court under Section 34 of the Arbitration and Conciliation Act, 1996 (Act No. 26 of 1996). He further submits that the said



letter bearing No.166 dated 25.01.2016 has no role in the present case.

5. In this view of the matter, the present Writ Petition stands disposed off directing the petitioner to raise his entire claim in the proceedings pending before the Principal, Civil Court.

(Dr. Anshuman, J.)

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