

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13296 of 2018

1. Santosh Kumar Rai
2. Sanjeev Kumar Rai Both are S/o Sri Kanhaiya Rai Resident of Village Post Office- Chilahari, P.S. Dumraon, Distt. Buxar.

... .. Petitioner/s

Versus

1. The Union Of India, through the Secretary, Ministry of Road Transport Highways and Shipping, Government of India, New Delhi.
2. The National Highway Authority of India, through the Secretary, G-5 and 6, Sector- 10, Dwarika, New Delhi, Pin-110075.
3. The Chairman, National Highway Authority of India, G-5 and 6, Sector-10, Dwarika, New Delhi, Pin- 110075.
4. The Regional Officer, National Highway Authority of India, D- 63, 2nd Floor Sri Krishnapuri, Rajesh Kumar Path, Patna-800001.
5. The Project Director, National Highway Authority of India, D- 63, 2nd Floor Sri Krishnapuri, Rajesh Kumar Path, Patna-800001.
6. The State of Bihar, through the District Collector, Buxar.
7. The Competent Authority Cum, District Land Acquisition Officer, Buxar.
8. The Circle Inspector, Dumraon, District- Buxar.
9. Rameshwar Yadav S/o late Jangali Yadav
10. Ramnarayan Rai S/o late Jangali Yadav
11. Dharmraj Yadav S/o late Jangali Yadav
12. Bechu Yadav S/o late Jangali Yadav
Respondent Nos. 8 to 11 are resident of Village Pratap Sagar, P.S.- Duraon, Distt. Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Md. Khurshid Alam- Aag12

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 26-11-2024

On 12.11.2024, the following order was passed:-

“None appears for the petitioners.

*2. Learned counsel for the State submits
that there is a dispute regarding apportionment of
compensation between the parties. Through his*



counter affidavit, he submits that the said aspect of dispute is covered by Section 3H (4) of the National Highways Act and the said dispute has been referred to the Principal Civil Court of Original Jurisdiction to decide the same and in the light of aforesaid statutory provision, the present writ petition is not maintainable.

3. One opportunity is granted to the petitioners to address the matter before this court.

4. Put up this matter on 19.11.2024.

5. If the petitioners fail to appear on the next date of hearing, the matter would be decided with the available records for the reasons that the present matter is pending consideration for the last about six years.”

2. None appears for the petitioners.

3. In the instant petition, the petitioners have prayed for following relief(s):-

“For issuance writ in the nature of Mandamus commanding and directing the respondent authorities to pay the award of 0.0300 hectare of land of Plot No. 77 and 0.0090 hectare of land of Plot No. 78, pertaining to Khata No. 19 of Mauza-Pratapsagar, District- Buxar, which was recorded in the name of the petitioners and said land has been acquired by the National Highways Authority of India(herein after referred as the 'NHAI') without paying the award (compensation) and the construction has been done by the respondent authorities over the land in question, and also directed to



the respondent authorities to pay the interest on award/compensation at the rate of 9% per annum (as per NH Act) from the date of taking possession under section 3D of the National Highways Act 1956 (herein after referred as the NH Act).”

4. Learned counsel for the State submits that land in question bearing 0.0300 hectare of land of Plot no.77 and 0.0090 hectare of land of Plot no.78 pertaining to Khata no.19, Mauza-Pratapsagar, District-Buxar belongs to the petitioners. There is a dispute between the parties over the land in question which has been acquired by the NHAI and in the light of said circumstances, the matter has been referred to the Principal Civil Court original jurisdiction to decide the same. He further submits that in para 13 & 14 of the counter affidavit there is a dispute between the petitioners and respondent nos.9 to 12 and competent authority referred the dispute under Section 3H (4) of the National Highways Act, 1956 before the Principal Civil Court of Original Jurisdiction vide order dated 06.06.2019. He further submits that since the entire issue covers under the provision of 3H (4) of the National Highways Act and the competent authority cum DLAO has no jurisdiction to decide the issue of apportionment as well as there is specific provision under Section 3H (4) of the National Highways Act to refer the



dispute before the Principal Civil Court of Original Jurisdiction to decide the same. Hence, respondent authorities referred the matter before the Principal Civil Court of Original Jurisdiction.

5. From perusal of notice dated 02.01.2018 (Annexure-8) issued by the DLAO, it is crystal clear that land in question was claimed by respondent nos. 9 to 12 on the basis of Baskit Parcha under the Bihar Privileged Persons Homestead Tenancy Act.

6. In the light of aforesaid facts and circumstances of the case, the present writ petition stands disposed of with direction to the petitioners to pursue the matter before the appropriate forum.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	28.11.2024
Transmission Date	N/A

