

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14302 of 2018

=====

Urmila Devi wife of Krishna Ram Resident of Village - Ore, P.S. - Belaganj,
District - Gaya.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Director, Indian National Highway Authority, New Delhi.
3. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
4. The Collector, Gaya.
5. The Land Acquisition Officer-cum- Competent Authority National Highway,
Gaya.
6. The Additional Collector cum Arbitrator National Highway, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Respondent/s : Mr. Dr. Maurya Vinay Chandra, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-11-2024 In the instant petition, the petitioner has prayed for

following relief(s):-

“For issuance of appropriate writ/writs, order/orders direction/directions for quashing the order contained in Memo No 415 dated 06.04.2018 passed in Arbitration Case No RA 83/2014-15 by the Arbitrator Cum-Additional Collector, Gaya whereby and where under the claim of petitioner regarding commercial compensation has been rejected and not only this the respondents authorities took decision to grant residential compensation for Plot No 419 Khata No. 66 is being treated as residential land though both the plots are adjacent and after quashing the abovesaid order dated 06.04.2018 respondents be directed to make payment of compensation amount at the rate of market rate of commercial land of



petitioner bearing Khata No 66 Plot No 419 which have been acquired for the widening of NH-83 (National Highway 83) in accordance with the present policy of the Government in respect of the payment of compensation amount for the acquisition of land, as the compensation amount is being given to the petitioner very low in view of the present position of land and even lessor than the amount of compensation which is being paid to the land holders of adjacent villager though there is no difference in between the land of petitioner and to grant any other reliefs for which petitioner may found entitled in the facts and circumstances of the present case.”

2. Learned counsel for the petitioner submits that he has grievance that his land pertaining to Plot No. 419 Khata No.66 is stated as a residential land. Learned counsel submits that said land is commercial in nature and said land has been acquired by National Highway Authority of India. He further submits that he has represented before the Additional Collector-cum-Arbitrator, Gaya for grant of compenstation treating his land as commercial land but the same has been rejected, and thereafter he has approached this court. He further submits that the petitioner has received only Rs.12,00,000/- out of Rs.25,14,116/- as is evident from Annexure-6 of the writ petition.

3. Learned counsel for the State submits that the



Additional Collector-cum-Arbitrator, Gaya has rejected the claim of the petitioner for grant of compensation treating the land of the petitioner as commercial land. Learned counsel further submits that petitioner has not availed the appropriate remedy available under the law and he has directly rushed to this Court in its writ jurisdiction, and on that score, the present writ petition is not maintainable.

4. In the light of aforesaid facts and circumstances of the case and the arguments advanced on behalf of the parties, the present writ petition stands disposed of as not maintainable with liberty to the petitioner to approach the appropriate forum within six weeks from the date of receipt of this order.

5. Pending I.A., if any, stands disposed of.

(Alok Kumar Pandey, J)

amitkumar/-

U			
---	--	--	--

