

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14915 of 2018

=====

Kanti Devi wife of Late Ram Naresh Singh Resident of Village - Neyamatpur,
P.S. - Belaganj, District - Gaya.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
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
For the Respondent/s : Mr.Dr.Maurya Vijay Chandra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 18-11-2024

In the instant petition, petitioner has prayed for
the following relief(s):-

*That this is an
application for issuance of
appropriate writ/writs, order/orders
direction/directions for quashing the
notice dated 10.07.2018 issued by
land acquisition officer, Gaya whereby
and whereunder the petitioner has
been directed to remove the pucca
commercial house within 15 days
from the receipt of the notice which
was constructed at Khata No 86 and
Khesra No 216 in market of Ore and
after quashing the abovesaid notice
dated 10.07.2018 respondents be*



directed to make payment of compensation amount at the rate of market rate of commercial land of petitioner bearing Khesra No 216 and Khata No 86 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 then 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 the land appertaining to Khata No. 86, Khesra No. 216 belongs to the petitioner and there is pucca house of the petitioner over the said land and several shops are running in the said house of the petitioner. The said land has been acquired for widening of NH-83. He further submits that out of the compensation amount of Rs. 11,16,002/-, only Rs. 10,01,600/- has been transferred in the account of the petitioner and the remaining amount has not been paid to the petitioner till date. Learned counsel further



submits that the land of the petitioner has been acquired but proper compensation has not been given considering the nature of land and the relevant rules.

3. Learned counsel for the State submits that in case petitioner is aggrieved by the amount of compensation decided by the authority, he should have approached the concerned authority for redressal of his grievance. Learned counsel submits that petitioner without approaching the authority concerned, has directly rushed to this Court in its writ jurisdiction, and hence, the present writ petition is not maintainable and is fit to be dismissed.

4. Be that as it may, for seeking writ of mandamus, there must be a demand before the competent authority. At the same time, duty is cast on the concerned public authority. The first ingredient of demand before the competent authority is not forthcoming.

5. Accordingly, the present writ petition stands disposed of as not maintainable.

6. However, disposal of the writ petition would not be hurdle for the petitioner to represent his grievance before the appropriate forum. If petitioner submits his representation before the appropriate forum within four weeks from the date of



receipt of this order, the competent authority is directed to hear the grievance of the petitioner and pass order expeditiously within a period of reasonable time, in accordance with law.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.11.2024.
Transmission Date	N/A

