

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1010 of 2024

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Saroj Kumar S/o Late Bijali Prasad Singh, resident of House No. 62, Ward No. 05, Village-Jahangirpur Patedha, P.S.-Sarai, Distt.-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Vaishali at Hajipur.
2. The Union of India through Secretary, Ministry of Road Transport and Highways, Govt. of India, New Delhi.
3. The National Highways Authority of India (NHAI) through its Chairman, New Delhi.
4. The Collector, Vaishali at Hajipur.
5. The District Land Acquisition Officer, Vaishali at Hajipur.
6. The Circle Officer, Bhagwanpur, District Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mahendra Thakur, Advocate
For the Respondent/s	:	Mrs. Anuradha Singh, SC- 21
For the NHAI	:	Dr. Maurya Vijay Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioner, the State and the NHAI.

2. The petitioner has prayed for the following reliefs:

(i) for issuance of a writ in the nature of mandamus or any other appropriate writ/ writs, Direction/ Directions, Order/Orders, directing and commanding the respondents'



authorities to pay the compensation amount by proper evaluation of the house/construction which was existing over the land of the petitioner that was acquired at the time of construction of NH-77 (Hajipur-Muzaffarpur), along with permissible bank interest from the date of acquisition till the date of payment;

(ii) for any other writ/writs, direction/directions, as this Hon'ble Court thinks fit and proper in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that though payments have been made to him, the amount that he was entitled has still eluded him.

4. Counter affidavit on behalf of the respondent nos 4 and 5 is on record duly signed by the District Land



Acquisition Officer, Vaishali at Hajipur and para-4, is incorporated hereinbelow:

4. (1) That land situated of Saidpur Patedha, Thana No. 326, Khata No. 134, Khesra No. 570, Area 0.040 Hec. Had been acquired for NH 77 Hajipur-Muzaffarpur four lane road construction under N.H Act 1956 in year 2009-2010. The nature of that land published in 3Das Residential.

(II) That Again apart of 0.008 Hec. Land of that khesra acquired in year 2012-2013. The nature of land published Commercial/Residential in 3 D.

(III) That award of that land prepared separately and compensation amount had been paid to the petitioner with his Co-sharer.



(IV) That in first phase, 0.040 Hec. land acquired, out of which 80% compensation amount Rs. 669362.00 of that 0.040 Hec. Land and rest 20% with difference amount Rs. 235843.00 had been paid to the petitioner at the rate of Residential rate. Again on the basis of six men committee report out of 0.040 Hec. Land, 0.012 Hec. Land declared commercial and difference amount Rs. 331992.00 paid and again on the basis of order of Arbitration Court, 0.024 Hec. Land declared commercial, and on that basis, difference amount of land at the rate of commercial rate, amount Rs. 924891.00 also paid to the petitioner.

(V) That on the basis of report submitted by Ex. Engineer



Building department, the compensation amount Rs. 270900.00 of structure situated on that land has also been paid to the petitioner.

(VI) That the compensation amount of land area 0.008 Hec which was acquired again, also had been paid to the petitioner at the rate of commercial of area 0.002 Hec and residential rate of area 0.006 Hec.

(VII) That after publication of 3D in first phase payment of compensation had been done. Alignment had been demarcated by NHAI. Some excess land was coming under that alignment which area was 0.008 Hec and for acquisition of that land fresh notification of 3A and 3D done and 0.008 Hec. Land of plot



no.570 acquired again and compensation amount, out of 0.008 Hes. Amount of 0.002 Hec, Land at the rate of commercial rate, total Rs. 226292.00 rupees paid to the petitioner S compensation of that land.

(VIII) That after surveying and on the basis of report and valuation report submitted by Ex-Engineer building department, the compensation amount of structure/building which was situated and existed on that land within alignment at the time of Survey and acquisition, already paid to the petitione. So, claim for new structure did not consider by CALA

(IX) That the claim for petitioner is not justified and acceptable.

(X) That if the petitioner has any



*objection, he should claim it
before the Arbitrator Court.*

5. However, in para-12, the concerned respondent has clearly averred that if the petitioner is still aggrieved, he could avail remedy before the Arbitrator.

6. Learned counsel for the petitioner submits that he shall be availing the remedy as envisaged under the National Highway Act, 1956 by approaching the Arbitrator within a period of four weeks. If he appears, the same shall be taken up and after noticing all the relevant parties be disposed of expeditiously.

7. Granting such liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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