

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5160 of 2021

Sanjay Kumar Son of Late Khublal Prasad, Resident of Village- Ner, P.S.-
Makhdumpur, District- Jehanabab.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue Reforms, Bihar, Patna.
2. The District Magistrate-cum-Collector, Jehanabad.
3. The District Land Acquisition Officer, Jehanabad.
4. The Deputy Collector Land Reforms, District - Jehanabad.
5. The Circle Officer, Makhdumpur, District - Jehanabad.
6. The Chairman, National Highway Authority of India, New Delhi.
7. The General Manager National Highway Authority of India, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the State	:	Mr. Md. Khurshid Alam, AAG-12
For the NHAI	:	Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 29-07-2024 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel appearing for
the NHAI.

2. The present writ petition has been filed for the
following reliefs :-

*“(I) To issue an appropriate order/s, direction/s
including a writ preferably in the nature of
Mandamus commanding and directing upon the
respondents to make the payment of adequate
compensation to the petitioner in lieu of acquisition
of land for the purpose of widening of road i.e. 4/6*



land under the National Highway Authority of India (Hereinafter referred to as NH83).

(II) To direct the respondents to make the payment of adequate compensation to the petitioner of his land acquired for the aforesaid purposes measuring 19.7680 Dec. appertaining to Khata No. 301, Khesara No. 1248 situated in Village + P.O. Ner within Makhdumpur Block of Jehanabad District which is just adjacent west to NH83 taking into the consideration of Nature of land being residential in nature.

(III) To direct the respondents to make the payment of adequate compensation i.e. Four times to the prevailing market rate in the area along with penal interest on account of delay and laches on the part of the respondents.

(IV) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the land of the petitioner has been acquired by the respondent-State for widening of NH83, Patna-Gaya-Dovi section and although the petitioner has received the compensation from the competent authority and payment of compensation of his acquired land which is residential in nature but the authority has found the land as agricultural land in question bearing Khata No. 301, Khesara No. 1248, Area 19.7680 Decimal.



4. Learned counsel for the NHAI submits that for enhancement of compensation, the petitioner may approach before the competent authority under 3G(5) of the National Highways Act, 1956.

5. The writ petition stands disposed of with a direction to the petitioner to file an appropriate application/representation under 3G(5) of the National Highways Act, 1956 before the competent authority and if the petitioner files an appropriate application within a period of six weeks before the competent authority, the competent authority is directed to dispose of the representation/application of the petitioner within a period of six months from the date of filing of such representation/application in accordance with law.

6. With the aforesaid directions, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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