

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8040 of 2021

=====

Fazlur Rahman, Son of Liyakat Husain resident of Birnagar, balrampur,
Sharif Nagar, Barsoighat, Police Station balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Patna.
2. The District Magistrate, Katihar.
3. The Sub Divisional Officer, Katihar.
4. The Land Acquisition Officer, Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner : Mr. Jitendra Kumar, Advocate
For the State : Mr. Raj Kishore Roy, GP-18

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-02-2024

1. Heard learned counsels for the parties.

2. This writ application has been filed for issuance of a direction upon the respondent-Authorities to pay adequate compensation for the land of the petitioner which has been acquired for construction of NH-34 at par with the compensation paid to persons having adjoining landed properties.

3. Learned counsels for the respondents raises preliminary objection to the effect that an alternative remedy is available to the petitioner by way of filing appropriate application under Section 3G(5) of The National Highways Act, 1956, which reads as:



“If the amount determined by the competent authority under sub-section (1) or subsection (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

4. Learned counsel for the petitioner does not dispute the above proposition.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to him in accordance with law.

7. If such an application is moved by the petitioner before the competent authority within a period of six weeks from today, the same shall be entertained and the order shall be passed expeditiously, in accordance with law, after hearing the parties, preferably within a period of one year from the date of filing of the application.

8. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article



226 of the Constitution of India.

9. With the aforesaid observations and directions, this writ application is disposed of.

(Prabhat Kumar Singh, J)

shashank/-

U			
---	--	--	--

