

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11519 of 2017

Shailendra Kumar son of Late Jaichandra Pandey, Resident of Village-
Kulhariya, P.S. Koilwar, District- Bhojpur Ara.

... .. Petitioner/s

Versus

1. The Natioanl Highway Authority Ministry Of Road Transport And National Highway and Ors
2. The State of Bihar, through the Chief Secretary, Govt. of Bihar.
3. The Commissioner, Patna.
4. The Collector, Bhojpur at Ara.
5. The Addl. Collector, Bhojpur at Ara.
6. The Land Reform District Collector, Bhojpur at Ara.
7. The District Land Acquisition Officer, Bhojpur at Ara.
8. The Sub- Divisional Magistrate cum Addl. Land Acquisition Bhojpur at Ara.
9. The Circle Officer, Koilwar Circle, Koilwar, District- Bhojpur.
10. The Circle Inspector, Koilwar Circle, Koilwar, District- Bhojpur.
11. The Halka Karmchari, Koilwar Circle, Koilwar, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar, Advocate Ms. Kahkashan Alam, Advocate Ms. Deepmala Kumari, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12 Ms. Nutan Sahay, AC to AAG-12
For the NHAI	:	Mr. Kumar Goutam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner, the State and
NHAI.

2. The present writ petition has been preferred for the following relief/s:-

“i. For the quashing of entire land acquisition proceeding by which land is being



acquired for the wideness (Four lane) of National Highway 30 and NH-84 from Patna to Buxar in non compliance of the provision as laid down u/s. 3-C after publication of notification under section 3-A of the National Highway Act 1956.

ii. Further quashing of the entire proceeding in non compliance of the provision as laid down u/s. 3-G of the National Highway Act 1956.

iii. For quashing of the entire proceeding also on the ground of, arbiterness in exercising the power by the State Government authorities as power referred and specified u/s. 5 & 6 of national High way Act 1956.

iv. To declare the quantum of award is invalid and illegal, determined without being heard the claim of the petitioner as provision laid down in Sub-clause-3 of the section 3-G of the National Highway Act 1956.

v. That after quashing of the entire proceeding, a direction be given to the respondents, to initiate a fresh proceeding for the land in question and to determine the award



accordance with law or a direction be given to the respondents determine to calculate and the award of land in question at the rate of the market value as land of the Petitioner comes within the categorically commercial, industrial or residential land, after hearing the claim of the petitioner.

vi. Any other relief/ reliefs be granted to the petitioner as SO entitled in eye of law.”

3. A counter-affidavit on behalf of the State duly filed by the District Land Acquisition Officer, Bhojpur, Ara is on record and paragraphs-6 and 7 read as follows:

“6. That with regard to the statement made in paragraph no.1 of the writ application under reply it is stated that for acquisition of specific plots of land of Revenue village- Dhandiha, Revenue Thana no. 133, Circle Koilwar; Khata No.993, Khesra No.774/3646, Area 0.076632 Acre was under land acquisition for NH 30 and NH 84 (Patna- Buxar) falling under Patna Buxer Four Lane Project (NH 84), a notification was made on dated 20th of April 2010 by the Central Government of India in a Gazette Notification, by which, the land was



acquired under Section 3 (G) (2) read with Section 3 (A) (1) of National Highway Act, 1956 and a declaration was made on dated 28-08-2012 and following due procedure, the land has been acquired and the petitioner has been paid the compensation computed under 3 (H) of the NH Act.

7. That if the petitioner has a remedy by taking the matter further before the concerned authorities, viz. Civil Court under Sections 3-G and 3-H of the National Highways Act, 1956 which provides for dispute with regard to amount of compensation to be referred to the Arbitrator under section 3-G of the said Act. Therefore, the petitioner has an alternative remedy with regard monetary or to the the compensation form of Rehabilitation and Resettlement to be undertaken by the Respondent NHAI even before the concerned Authority/ Court through the process Arbitration under Section 3-G of the said Act and not the present writ application.

4. Additionally, learned counsel appearing on behalf of the NHAI has informed that matter relating to this present



case is pending before the Arbitrator in Arbitration case No. 72 of 2019 and as such, for the present this case has got no meaning.

5. Taking into account the submissions put forward by the learned counsel for the NHAI that the Arbitration case No. 72 of 2019 is there on the same matter, it would be appropriate that the same is taken to its logical conclusion, if still not taken.

6. The petitioner is at liberty to file a petition for recall, if it is found that the Arbitration case 72 of 2019 does not relate to the petitioner.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

