

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4010 of 2018

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Suresh Singh son of late Bans Ropan Singh resident of village Kulhaiya, P.S.
Koilwar, District Bhojpur, Ara.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar, Advocate Ms. Kahkashan Alam, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Yadav, GP-15 Mr. Mr. Dhurjati Kumar Prasad, GP-14
For the NHAI	:	Mr. Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2024 Heard the parties.

2. The present writ petition has been preferred for the
grant of 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 Highway 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 to calculate and determine 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 he is entitled in eye of law.”

3. After some argument learned counsel for the petitioner submits that since it was being pursued by way of writ petition delay has occurred.

4. Learned State counsel as also learned counsel appearing on behalf of the NHAI submit that the said submission of the learned counsel for the petitioner is genuine as he was pursuing the writ petition, delay occurred.

5. In that background, the writ petition stands disposed of granting liberty to the petitioner to approach the Arbitrator within four weeks. If he approaches within the aforesaid time, the Arbitrator shall take into account the limitation petition and would pass an order accordingly as CWJC No. 11519 of 2017 was pending before High Court for last seven years.

6. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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