

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8010 of 2018

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Sunil Kumar Gupta S/o Babu Lal Prasad resident of Village - Chand Saraiya,
P.S. - Pipra Kothi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
3. The Chairman-cum-Managing Director, National Highways Authority of
India, New Delhi.
4. The District Magistrate, East Champaran, Motihari.
5. The District Land Acquisition Officer, East Champaran, Motihari.
6. The Project Director, National Highways Authority of India, Patna.
7. The Circle Officer, Pipra Kothi, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Verma with Mr. Suman Kumar Verma and Mr. Amresh Kumar Mishra, Advocates
For the State	:	Mr. Manoj Kumar Sinha, AC to SC 19
For the NHAI	:	Mr. S. N. Pathak with Mr. Saurav Nikunj, Advocates

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-08-2024

Heard Mr. Sunil Kumar Verma, learned Advocate for
the petitioner and Mr. Manoj Kumar Sinha, learned Advocate
for the State. Mr. S. N. Pathak, learned Advocate for the NHAI
is also present.

2. The petitioner by invoking the jurisdiction of this
Court under Article 226 of the Constitution of India prays for
the following reliefs:

*“(i) To direct the Respondent State
Authority/Authorities to take immediate and
effective steps for bringing out/furnishing a
complete and clarificatory report in respect of
certain land property of the petitioner which is*



said to have been acquired in connection with widening of N.H. -28-A covered under Khata No. 20, Survey Plot No. 40 & 41, Thana No. 187, situated at Mauza-Chand Saraiya Under Pipra Kothi Anchal in the district of Motihari measuring 3 Katha of land in terms of the letter bearing no. 384 dated 07.07.2017 issued by the District Land Acquisition Officer, East Champaran, Motihari which was addressed to the Circle officer, Pipra Kothi requesting therein to submit the said report in relation thereto.

(ii) To further direct Respondent the Authority/Authorities to ensure payment to award/ compensation, solatium etc as also admissible interest thereupon in favour of the petitioner against acquisition of the said land Property being confirmed by the Land possession certificate issued dated 06.02.2017 in connection with widening of N.H. -28-A in the district of Motihari in terms of the Provisions of law, spirit and mandate of the Right to Fair Compensation and Transparency Fair in Land Acquisition, Re-habilitation and Re-settlement Act, 2013 treating the land acquisition proceeding as per the old Act to have been lapsed.

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



3. Learned Advocate for the petitioner contended that despite the petitioner being the *bona fide* land-holder and having right title and interest over the land in question, an award has been prepared and compensation has been paid in favour of others.

4. On behalf of the respondents, a preliminary objection has been raised that for redressal of the grievance, now the petitioner has the remedy available under Section 3-G(5) of the National Highways Act, 1956, if he desires.

5. In view of the aforesaid fact, the writ petition stands disposed of with a liberty to the petitioner to approach before the competent authority in terms of Section 3-G(5) of the National Highways Act, 1956.

6. Suffice it to say, if the petitioner approaches before the competent authority, the same shall be considered and disposed of expeditiously.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.08.2024
Transmission Date	

