

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10645 of 2018

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Krishnanand Dubey S/o Late Ram Prashann Dubey, Resident of Village-
Ratanpur, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Road Construction Department, Government of Bihar.
3. The Secretary, National High Way Authority of India Ministry of Surface Transport, Government of In
4. The Collector, Bhojpur at Ara.
5. The District Land Acquisition Officer, Bhojpur at Ara.
6. The District Sub Registrar, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Mishra, Adv.
For the Respondent/s	:	Mr.Tripurari Nath Ambastha, AC to SC 26
For the NHAI	:	Mr.Kumar Gaoutam, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 28-10-2024

In the instant petition, petitioner has prayed for the
following relief(s):-

*(I) For direction upon the respondents
authorities for making payment of
compensation amount to the petitioner for
his acquired land on the basis of valuation
fixed for the category of
Commercial/Industrial Land @ Rs.50,000/-
per decimal as the land of the petitioner is
very costly & it comes under the category of
Commercial/ Industrial whereas
compensation amount has been paid to the*



petitioner on the basis of valuation fixed for the category of irrigated agricultural land @Rs.8,000/- per decimal only which is much less than the entitlement of the petitioner.

(ii) This writ application is also for further direction to the respondents to grant any such other relief or reliefs for which the petitioner is found legally entitled.

2. Learned counsel for the petitioner submits that the land in question has already been acquired by National Highway Authority of India. The sole grievance of the petitioner is with regard to grant of enhanced compensation as adequate compensation has not been granted to the petitioner considering the nature of land which is of higher value and also commercial/industrial in nature. It is submitted that the authorities have not properly assessed the nature of the land of the petitioner and they have treated the land of the petitioner as of agricultural category.

3. Learned counsel appearing for the N.H.A.I. submits that for redressal of the grievance regarding enhanced compensation, petitioner should have approached the appropriate authority under section 3G(5) of the National Highways Act, 1956. Learned counsel further submits that instead of approaching the authority concerned, petitioner has



directly rushed to this Court in its writ jurisdiction, which is not the proper remedy. Hence, the present writ petition is not maintainable.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioner to approach the authority concerned for redressal of his grievance, which has been raised by the petitioner in the present writ petition, within a period of six weeks from the date of receipt of this order. The concerned authority is directed to consider and dispose of the grievance of the petitioner expeditiously, after giving him due opportunity, preferably within a period of six months from the date of filing of appropriate application by the petitioner.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.10.2024
Transmission Date	

