

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13889 of 2018

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Chandradev Prasad Son of Sahdev Mahto, Resident of Village-Ore, P.S.-
Belaganj, District-Gaya.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Director Indian National Highway Authority, New Delhi.
3. The Principal Secretary, Department of Revenue and Land Reforms,
Government of Bihar, Patna.
4. The Collector, Gaya.
5. The Land Acquisition Officer Cum-Competent Authority National Highway,
Gaya.
6. The Additional Collector Cum-Arbitrator National Highway, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.
For the State : Mr. Manoj Kumar Sinha – SC19
For the Respondent/s : Mr. Dr. Maurya Vinay Chandra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-11-2024 In the instant petition, the petitioner has prayed for
following relief(s):-

“For issuance of appropriate writ/writs, order/orders direction/directions for quashing the order contained in Memo No 418 dated 06.04.2018 passed in Arbitration Case No RA 89/2014-15 by the Arbitrator Cum-Additional Collector, Gaya whereby and where



under the claim of petitioner regarding commercial compensation has been rejected and not only this the respondents authorities took decision to grant residential compensation for Plot/ Khesra No 401 and Plot/ Khesra No 267 is being treated as agricultural land though both the plots are adjacent and after quashing the abovesaid order dated 06.04.2018 respondents be directed to make payment of compensation amount at the rate of market rate of commercial land of petitioner bearing Khesra No 401 and 267 which have been acquired for the widening of NH-83 (National Highway 83) in accordance with the present policy of the Government in respect of the payment of compensation amount for the acquisition of land, as the compensation amount is being given to the petitioner very low in view of the present position of land and even lessor than the amount of compensation which is being paid to the land holders of adjacent villager though there is no difference in between the land of petitioner and to grant any other reliefs for which petitioner may found entitled in the facts and circumstances of the present case.”

2. Learned counsel for the petitioner submits that petitioner is aggrieved by the decision of the concerned



authority whereby the concerned authority has declared his land pertaining to Plot / Khesra No.401 as a “residential” land whereas his plot of land pertaining to Khesra No. 267, which is adjacent to the land pertaining to Khesra No. 401, has been declared as “agricultural” land. Learned counsel submits that both the plot of lands, which are adjacent to each other, are commercial in nature and both lands have been acquired by National Highway Authority of India. He further submits that he has represented before the Additional Collector-cum-Arbitrator, Gaya, and thereafter he has approached this court. He further submits that the petitioner has received only Rs.13,92,475/- out of Rs.19,94,739/- as is evident from Annexure-6 of the writ petition.

3. Learned counsel for the State submits that the Additional Collector-cum-Arbitrator, Gaya has rejected the claim of the petitioner in respect of plot no. 267 and in respect of plot no. 401 the same has been directed to be treated as residential land. Learned counsel further submits that petitioner has not availed the appropriate remedy available under the law and he has directly rushed to this Court in its writ jurisdiction, and on that score the present writ petition is not maintainable.

4. In the light of aforesaid facts and circumstances of



the case and the arguments advanced on behalf of the parties,
the present writ petition stands disposed of as not maintainable
with liberty to the petitioner to approach the appropriate forum
within six weeks from the date of receipt of this order.

5. Pending I.A., if any, stands disposed of.

(Alok Kumar Pandey, J)

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