

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1408 of 2016

Nasimuddin Son of Mohiuddin Resident of Village - Sangram, P.S. -
Jhanjharpur, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The District Magistrate, Madhubani.
3. The Deputy Collector, Madhubani.
4. The District Land Acquisition Officer, Madhubani.
5. The Chief Officer, National Highway Authority of India (NHAI),
Darbhanga.
6. The Arbitrator (NHAI)-cum-Additional Collector, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lakshman Jha, Advocate Mr. Dharendra Nath Jha, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG 13
For the NHAI	:	Mr. S.N. Pathak, Advocate Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-01-2024 Heard learned counsel for the petitioner, State and
the NHAI.

2. This writ petition has been filed for quashing the notice as contained in Annexure-1 issued by the District Land Acquisition officer, Madhubani and for directing the respondent authorities to pay compensation amount to the petitioner for acquiring his land after considering the nature of the land.

3. Learned counsel for the NHAI raises preliminary objection to the effect that statutory alternative remedy is available to the petitioner by way of filing appropriate application under **Section 3G(5) of The National Highways Act, 1956** which reads as:



“If the amount determined by the competent authority under sub-section (1) or subsection (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

4. Learned counsel for the petitioner does not dispute the above proposition.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

6. Petitioner shall be at liberty to seek remedy before the appropriate forum as may be available to them in accordance with law.

7. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

8. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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