

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7725 of 2016

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Hari Lal Sahni Son of Sri Fudeni Sahni Resident of village - Raghunathpur,
P.S. Bhagwanpur, District - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Vaishali at Hajipur
3. The Arbitrator - Cum - Additional Collector, Vaishali at Hajipur
4. The Competent authority - Cum - District Land Acquisition officer, Vaishali at Hajipur
5. The Project Director, NH - 77, Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar , Advocate
For the Respondent/s	:	Sunil Kumar Mandal (Sc3)
For NHAI	:	Dr. Maurya Vijay Chandra, Advocate
		Mr. Gaurav Govinda, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-02-2024 Heard learned counsel for the petitioner, State and

the NHAI.

2. This writ application has been filed for the
following reliefs:-

*(I) For issuance of order, direction
or writ in the nature of Mandamus
commanding the respondents concerned to
make the payment of amount of
compensation for 22 decimal of land
acquired by respondent for the construction
of four land of N.H.77 lying in Circle*



*Bhagwanpur, Village- Raghunathpur
Imedpur, Thana no.-318, P.S.-Sarai, District-
Vaishali of Khata No.-117, 368, 359, Khesra
No.-1273, 1276, 1281 to the petitioner
calculated in the light of Land Acquisition
Act 2013 by which amount of compensation
to be calculated considering the lands as
commercial as four times of market value
including solatium amount, to which he is
entitled in law as per the extant and avowed
policy of the Government as declared in the
Right to Fair Compensation and
Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013.*

*(ii). To hold and declare that the
action of, the concerned respondents is not
paying the amount of compensation to the
petitioner is wholly illegal, arbitrary,
malafide, malicious and unauthorized and
this should be deprecated by this Hon'ble
Court*



(iii). To hold and declare that the action of respondents concerned have badly affect the livelihood of the petitioner in not paying the amount of the compensation is tantamounting to the violation of Article 21 of the Constitution of India.

(iv) Issuance of an order, direction or writ in the nature of mandamus commanding the respondents to pay the amount of penal interest at the rate of 12% to the petitioners from the date of the acquisition of land i.e. from year 2011 to till the date of payment on account of deliberately delay on the part of respondents concerned in not making the amount of compensation for the reason best known to them.

(V) Issuance of an order, direction or writ in the nature of mandamus commanding the Respondents to pay the amount of penal interest at the rate of 12%



to the Petitioners from the date of the acquisition of land i.e. from year 2009 to till the date at payment on account of deliberately delay on the part of Respondents concerned in not making the amount of compensation for the reason best known to them.

3. At the outset, learned counsel for the State raises preliminary objection to the effect that an 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.

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

(Prabhat Kumar Singh, J)

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