

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7876 of 2016

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Durga Rai Son of Late Deo Balak Rai, 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	:	Mr. S. N Pathak, Advocate
		Mr. Saurav Nikunj, 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 3.952 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.-458, Khesra No.-902 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 affected the livelihood of the petitioner in not paying the amount of the compensation is tantamount 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 ie, 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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