

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7512 of 2016

=====

Naved Asgar @ Nawed Asghar Son of Md. Asgar Resident of Village -
Sugauli Bazar, P.S. and Anchal - Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran, Motihari.
3. The Land Acquisition Officer, East Champaran, Motihari.
4. The Deputy Collector Land Reforms, East Champaran, Motihari.
5. The Circle Officer, Motihari.
6. The Project Director, the National Highway Authority, Muzaffarpur.
7. The Regional National Highway Authority, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Ms. Rashmi Jha, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA 11 Mr. Rajnish Shandilya, AC to GA 11 Mr. Anshay Bahadur Mathur, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-01-2024 Heard learned counsel for the parties.

2. Writ petition has been filed for directing the respondent authorities to demarcate the land which has been acquired for widening of the National Highway-28A in view of the Notice dated 17.05.2010 and to vacate the land of the petitioner and reassess the compensation amount as per the commercial value.

3. 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 him 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)

Navya/-

U			
---	--	--	--

