

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6835 of 2020

1. Lala Singh Son of Late Ram Das Mahto @ Ramdas Singh, Resident of Village-Mutther, P.S. Jehanabad, P.O. Mutther District- Jehanabad.
2. Devendra Singh, Son of Late Ambika Singh Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
3. Vijay Singh, Son of Late Nemi Singh, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
4. Krishna Singh, Son of Late Nemi Singh, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
5. Ravindra Singh, Son of Late Nemi Singh, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
6. Karu Yadav, Son of Late Mohan Yadav, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
7. Vishwanath Yadav, Son of Late Tufani Yadav, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
8. Satyendra Kumar Pal, Son of Late Baijnath Bhagat, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
9. Ram Murti Singh, Son of Late Ram Singh, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
10. Dinesh Prasad Singh, Son of Late Siya Sharan Singh, Resident of Village- Mutther, P.O. Mutthar, P.S. and District- Jehanabad.
11. Vijay Kumar Singh, Son of Late Mohan Lal Singh, Resident of Village- Chaman Bigha, P.O. Karauna, P.S. and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-Cum-Collector-Cum-District Land Acquisition Officer (District Land Acquisition Section), Jehanabad.
3. Chairman, National Highway Authority of India,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjesh Kumar Singh,Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
		Mr.Saurabh Kumar AC to SC 19
		Mr.Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 08-01-2024 Heard learned counsel for the parties.



2. This writ application has been filed for directing the concerned respondent to make payment of compensation to the petitioners on the ground that their lands were acquired by the State Government for construction of 4-lane under Patna-Gaya Road Project, which is now N.H.-83 under National Highways Authority of India (for short “N.H.A.I.”).

3. At the very outset, learned counsel for the respondent no. 3 / N.H.A.I. raises preliminary objection to the effect that petitioners have got alternative remedy with regard to payment of compensation amount, by way of filing appropriate application under Section 3H(4) of the National Highways Act, 1956, which reads as follows:

“If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

4. Learned counsel for the petitioners does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioners to file representation before the competent authority.



5. In the above view of the matter, this writ application is disposed of with liberty, as indicated above. If such representation is filed within a period of six weeks from today, the same shall be referred to the principal Civil Court, who shall pass order, after hearing the parties, in accordance with law.

6. It goes without saying that if any question of limitation arises before the authority concerned, 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.

7. Writ application stands disposed of with the aforesaid direction.

(Prabhat Kumar Singh, J)

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