

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9322 of 2020

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Surya Kuer W/o Late Bhikhari Tiwari Resident of Village- Kumhau, P.O.- More Sarai, P.s.- Shivsagar, District- Rohtas at Sasaram, presently resident at satyendra Nagar (in the house of Ramadhar Dueby) Block Colony, Aurangabad, P.s. and District- Aurangabad

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna (Bihar)
3. The District Magistrate, Rohtas (Sasaram)
4. The Competent authority cum the District Land Acquisition Officer, Rohtas at Sasaram
5. The Chief General Manager, National Highway Authority of India, New Delhi
6. The Project Officer, National Highway II, at Sasaram

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey, Advocate

For the Respondent/s : Mr.R.R.Sinha, SC 19 & Mr.S.Kumar, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 30-01-2024 Heard learned counsel for the parties.

2.Writ petition has been filed for setting aside order dated 10.9.2019 passed by the District land acquisition Officer Cum- Competent Officer, whereby and whereunder claim of the petitioner to grant/pay the statutory interest on the compensation amount as determined in award dated 20.12.2012, passed in Land Acquisition case no 9/2011-12 has been rejected. He has also prayed for grant of the statutory interest on the compensation amount as determined in award dated 20.12.2012 passed in Land Acquisition case no 9/2011-12.

3. At the very outset, learned counsel for the respondents raises a preliminary objection to the effect that alternative remedy is available to the petitioner with regard to



insufficiency of the compensation amount as determined, by way of arbitration in terms of Section 3G (5) of the National Highways Act, 1956.

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. Let the petitioner seek remedy before the appropriate authority within a period of six weeks from today. In the event, such application is filed by the petitioner within the stipulated period, the same shall be disposed of in accordance with law after hearing the parties, preferably within a period of six months thereafter.

6. It goes without saying that if any question of limitation arises before the appropriate 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.

7. This writ petition is accordingly disposed of with the aforesaid observations.

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(Prabhat Kumar Singh, J)

