

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5799 of 2023

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Shyam Narayan Singh Son of Late Raj Bahadur Singh, Resident of Village -
Bheri, P.O. and P.S. - Chand, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The State of Bihar through the Collector, Bhabua, Kaimur.
3. The Deputy Collector Land Reforms-Cum-Competent Authority for Land Acquisition Under National Highway Act, 1956 having its Office at Bhabua (Kaimur).
4. The Anchal Adhikari, Chand Anchal, District - Bhabua (Kaimur).
5. Project Director, P.I.U, Aurangabad, National Highway Authority, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Respondent/s : Mr.Additional Solicitor General

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-02-2024 Heard counsel for the parties.

2. This writ application has been filed for directing the respondents to pay the petitioner fair compensation of his acquired land as mentioned in para 1 of the writ application, by treating the nature of land to be commercial in place of agricultural.

3. At the very outset, learned counsel for the respondent NHAI appears and raises a preliminary objection to the effect that statutory 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, provided he produces documents with respect to his right and title over the land in question.

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. However, petitioner is directed to file an appropriate application before the appropriate authority along with all the relevant documents in support of the claim, within a period of six weeks from today.

7. In the event, such application is filed by the petitioner, appropriate authority shall examine claim of the petitioner and dispose of the same in accordance with law after hearing the parties, preferably within a period of six months thereafter.

8. It is made clear that if the petitioner approaches the appropriate authority, he would have regard to the present proceeding being pursued by the petitioner, while considering



any issue relating to condonation of delay, if applicable.

9. The writ application stands disposed of.

(Prabhat Kumar Singh, J)

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