

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5943 of 2023

M/s Karuna Rice Mill through its Proprietor Prem Narayan Singh, aged about 68 Years, Male 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. The National Highway Authority of India through its Project Director, P.I.O. Aurangabad, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Raj Kishore Roy, GP 18
For the NHAI	:	Mr. S.N. Pathak, Advocate
		Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-02-2024 Heard learned counsel for the petitioner, State and the NHAI.

2. Petitioner by way of this writ petition has prayed to exclude his land appertaining to Plot No. 110 under Khata No. 01 Area 0.2650 hectares (portion) situated at Mouza- Bheri, Revenue Thana No. 35, P.O. & P.S.- Chand, District- Bhabua (Kaimur) from the Notification issued under Section 3D of the National Highways Act, 19656 for the purpose of the construction of Greenfield Expressway/Highway under the



Bharat Mala Project-II and to quash the order dated 07.02.2023 passed by the respondent No. 3 in Vaad Sankhya 55/2022-23 and direct him to decide the nature of land in question.

3. Learned counsel for the NHAI raises preliminary objection to the effect that an alternative remedy is available to the petitioners 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 under Article 226 of the Constitution of India.

8. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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