

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7482 of 2024

1. Mokhtar Alam Son of Late Md. Ozair Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
2. Aftab Alam son of Late Md. Ozair Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
3. Fakhre Alam Son of Late Md. Ozair Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
4. Mohammad Anisur Rahaman Son of late Mohammad Badrul Hasan Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
5. Sarfaraj Anwar Son of late Mohammad Mustafa Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
6. Mohammad Murtaza Son of Mohammad Waliullah Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
7. Mohammad Shamsuddin Resident of Ward No. 01, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
8. Halima Khatoon Wife of late Md. Islam Resident of Ward No. 01, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
9. Saghir Ahmad Son of Mohammad Zobair Resident of Ward No. 13, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
10. Md Haseen Akhtar Son of Late Mir Amir Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
11. Abdul Khalique son of late Mir Amir Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
12. Khurshid Alam son of late Md. Ali Akhter Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District-East Champaran, Bihar 845304.
13. Sajama Khatoon @ Sajama Wife of Samim Kamali Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
14. Mehdi Hassan Son of Masud Alam Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
15. Ashraf Jamal Son of Masud Alam Resident of Ward No. 03, Kusmahahwa,



Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.

16. Md. Nasim Akhtar Son of Wasi Aktar Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
17. Jauwad Hussain Son of Meer Mohammad Zobair Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
18. Khalid Kamal Son of Sher Mohammad Resident of Ward No. 03, Kusmahahwa, Post Chandanbara, P.S. Dhaka, Kharhua Chainpur, District- East Champaran, Bihar 845304.
19. Mumtaj Azim Son of Late Md. Azimullah Resident of village Khairwa, Post Chandanbara, P.S. Dhaka, District- East Champaran, Bihar 845418.
20. Abdul Khaliq Resident of village Khairwa, Post Chandanbara, P.S. Dhaka, District- East Champaran, Bihar 845418.
21. Mohd Shahid Anwar Son of Mohd Salik Resident of village Khairwa, Post Chandanbara, P.S. Dhaka, District- East Champaran, Bihar 845418. And presently Residing at 110, Toli Mohallah, Loni , Near Noor Masjid , Loni Dehat, Ghaziabad, Uttar Pradesh-201102.
22. Mohd Sajid Anwar Son of Mohd Salik, Resident of village Khairwa, Post Chandanbara, P.S. Dhaka, District- East Champaran, Bihar 845418. And presently Residing at 110, Toli Mohallah, Loni , Near Noor Masjid , Loni Dehat, Ghaziabad, Uttar Pradesh-201102.

... .. Petitioner/s

Versus

1. The Union of India through Secretary Road Transport and Highway, New Delhi.
2. National Highways Authority of India, New Delhi, through its Chairman.
3. The State of Bihar, through the Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The Divisional Commissioner-cum-Arbitrator, Tirhut Division, Muzaffarpur.
5. The Collector (District Magistrate)-cum- District Land Acquisition Officer, East Champaran, Motihari.
6. The Sub-Divisional Officer, Sikarhana, Dhaka, District - East Champaran.
7. The Circle Officer, Nagar Parishad Dhaka, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Noushad Khan
For the State	:	Mr. U.S.S. Singh- GP-19
For the N.H.A.I.	:	Mr. MAURYA VIJAY CHANDRA Mr. Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

2 19-12-2024 1. Heard learned counsel for the petitioners, learned Government Pleader-19 for the State and the learned counsel appearing on behalf of the National Highways Authority of India.

2. The learned counsel appearing on behalf of the National Highways Authority of India submits that petitioners have rushed to this Court for seeking relief as prayed in the instant writ application. It is next submitted that if petitioners are aggrieved by the compensation determined with respect to their land acquired, in that event, petitioners have remedy of moving before the Divisional Commissioner-cum- Arbitrator under Section 3(G)(5) of the National Highways Act.

3. The learned counsel for the petitioners, after arguing for sometimes realizing his difficulties, seeks permission to withdraw the present writ application with liberty to move before the Divisional Commissioner-cum-Arbitrator in terms of Section 3(G)(5) of the N. H. Act for seeking the relief as claimed in the instant writ application.

4. Permission is accorded.



5. Accordingly, instant writ petition is dismissed
as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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