

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7474 of 2016

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Prahlad Mahto son of Late Sudaman Mahto resident of village- dudhar, P.S.-
Risiup and District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna
2. The District Magistrate, Aurangabad.
3. The Additional Collector cum Arbitrator, Aurangabad.
4. The Deputy Collector Land Reform, cum the competent authority, Aurangabad.
5. The Chief General Manager, National High Way II, Aurangabad.
6. The Project Director, P.I.U., N.H.A.I., Varanasi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Sunil Kumar Mandal, SC 3
For the NHAI	:	Mr. S.N. Pathak, Advocate Mr. Saurav Nikunj, Advocate Mr. Rakesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioners, State and

the NHAI.

2. This writ petition has been filed for quashing the

Award dated 20.01.2015 and subsequent Award dated
15.12.2015 as the award was amended without following the
due procedure and further for directing the Respondent No. 4 to
redetermine the compensation amount as per sub section 7 of
Section 3(G) of the National Highways Act.

3. Learned counsel for the NHAI raises preliminary



objection to the effect that an alternative remedy is available to the petitioner 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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