

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13815 of 2014

-
-
1. Bramhdeo Prasad, s/o late Shivnarayan Yadav
 2. Krishn Nandan Singh, s/o late Jairam Singh
 3. Rajkumar Singh, s/o late Mahavir Singh All Resident of village- Kothia, P.S.- Didarganj, District- Patna
 4. Shiv Nath Singh, s/o late Swarika Singh
 5. Mukesh Kumar Singh, s/o late Sheonath Singh All Resident of Village- Ratan Tola, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

1. The Union of India, Ministry of Road Transport and Highways, Govt. of India, New Delhi
2. The Deputy Secretary, null Ministry of Road Transport and Highways, Govt. of India, New Delhi
3. The National Highways Authority of India through its Chairman cum Secretary, Ministry of Shipping Road Transport and Highways, Govt. of India, New Delhi
4. The Project Director, National Highways Authority of India, D-36, Sri Krishnapuri, Patna
5. The State of Bihar, through the District Magistrate cum Collector, Patna
6. The Additional Collector cum Arbitrator Patna
7. The District Land Acquisition Officer, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajatshatru, Advocate
For the State	:	Mr. Kumar Manglam, AC to SC-24
For the NHAI	:	Mr. (Dr.) Maurya Vijay Chandra, Advocate
		Ms. Preety Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 03-12-2024 Heard learned counsel for the parties.

2. In the instant petition, the petitioners have prayed for issue a writ in the nature of *Mandamus* / *Certiorari* or any other appropriate writ or order or direction to respondent authorities, inter alia, to treat the lands of petitioners as



Commercial / Residential and pay the compensation of award as has been declared by the Arbitrator under the N.H. Act vide order dated 09.04.2013 passed in the Arbitration Case No.3 of 2012-13 and also for direction to respondents to pay the award treating the acquired lands of petitioners as Commercial / Residential along with statutory as well as panel interest; and also to pay the solatium @ 60% as per the New policy of the State Govt. 2007. It is also prayed for to grant any other relief or reliefs entitled in the eye of law.

3. Learned counsel for the petitioners submits that similarly situated writ petitioners have filed writ petition and vide order dated 14.02.2013 passed in Civil Writ Jurisdiction Case No.10198 of 2012 along with other writ petitions, the liberty was given to said petitioners to avail remedy under Section 3(G)(5) of the N.H. Act, 1956 and thus this case may be disposed of with liberty to petitioners to avail remedy under the said Section 3(G)(5) of the N.H. Act, 1956.

4. Learned counsel for the State and NHAI submit that they have no objection to this prayer of the petitioners to avail remedy to file appropriate application / representation before the learned Arbitrator in this regard.

5. In view of the submissions of learned counsel for



the parties and considering the facts and circumstances of this case, this writ petition stands disposed of with liberty to petitioners to avail remedy under Section 3(G)(5) of the N.H. Act, 1956 and if the petitioners file the application / representation before the learned Arbitrator / competent Authority, the said concerned Authority shall examine the claim of the petitioners and pass appropriate order expeditiously in accordance with law.

(Sunil Dutta Mishra, J)

ashishkr/-

U			
---	--	--	--

