

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7155 of 2016

Md. Jamal son of Mohiuddin, Resident of Village- MadhuraSouth, Ward No.8, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Araria.
3. The Competent Authority-cum-District Land Acquisition Officer, Araria.
4. The Managing Director, National Highway Authority of India, New Delhi.
5. The Project Director, National Highway Authority of India, PIU, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Amar Nath Singh, Advocate Mr. Kamal Kishore Singh, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC-3 Mr. Bipin Kumar, AC to SC-3
For NHAI	:	Mr. S. N. Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 28-02-2024

I.A. No. 01 of 2022:

The present interlocutory application has been preferred for quashing of the order dated 15.6.2022 passed in Arbitration Case No. 106 of 2018 by the Court of Divisional Commissioner, Purnea during the pendency of the writ petition.

2. The State has no objection.

3. The I.A. No. 01 of 2022 is allowed.

4. Let the prayer incorporated in the interlocutory application be read as part of the writ petition.

C.W.J.C. No. 7155 of 2016 :

Heard Mr. Amar Nath Singh, learned counsel for the



petitioner and Mr. Sunil Kumar Mandal, learned SC-3.

2. The present writ petition has been preferred:

(i) for a writ in the nature of Mandamus or/ and any other writ, order/orders, direction/directions to the respondents particularly the Competent Authority-cum District Land Acquisition Officer, Araria to make payment of the compensation amount which has been duly determined/approved by the Competent Authority and the Project Director, National Highway Authority of India and the money has already been released to the Competent Authorities u/s 38 of the N.R. Act, 1956, and the National Highway Authority of India vide letter No. 8263 dated 31.12.2014 with the direction to make payment to the petitioner and other landholders and for any other order/reliefs to which the petitioner is to be found entitle to in the mentioned facts and circumstances of this case.

3. At the outset, learned counsel Mr. Singh submits that now the Divisional Commissioner has passed an order, the petitioner will be satisfied if liberty is granted to him to move before an appropriate Court in civil jurisdiction for the redressal



of his grievance.

4. In view of the fair stand taken by the learned counsel for the petitioner, the writ petition stands disposed of granting such liberty.

5. In case, any such petition is filed, the concerned Court shall take into account the fact that the petitioner was agitating the matter in a writ Court while deciding the limitation petition.

(Rajiv Roy, J)

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