

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14052 of 2023

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1. Rajesh Mahto S/o- Bijali Mahto Resident of Village -Motichapra, P.O.- Lalu Chapra, P.S.-Paru, District -Muzaffarpur.
 2. Mukesh Kumar, Son of Bijali Mahto Resident of Village -Motichapra, P.O.- Lalu Chapra, P.S.-Paru, District -Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Tirhut, Muzaffarpur.
2. The Collector, Muzaffarpur.
3. The District Land Acquisition Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Suman, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the following reliefs:-

(I) For direction to the respondent authorities to pay compensation to the petitioners on commercial rate of the land appertaining to Mauza-Moti Chapra, Thana No. 427, Khesra No. 276 area, 8 decimal in Khata No. 44, which has been acquired by them via Gazetted letter No. C. G. D. L. A. 0808020220980, extra-ordinary dated 04.09.2020 for construction of "Maa Janki National Highway Road 722" (Manikpur-Sahebganj), but not a single forthing has been paid



to the petitioners in place of the acquisition of their land.

3. At the outset, learned counsel for the State 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 petitioners 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. Petitioners 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 petitioners was pursuing the issue before this Court.

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

(Prabhat Kumar Singh, J)

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