

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13444 of 2024

Purushottam Kumar Singh Son of Late Nand kumar Singh Resident of village- Ballia Hata, Basdiha, P.S.- Karakat, District- Rohtas, Pin- 821310.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The District Land Acquisition Officer-cum-Competent Authority, District-Rohtas at Sasaram.
4. The Circle Officer, Nasariganj, District- Rohtas.
5. The National Highways Authority of India, Regional Office, Patna, R/at- D-63, First Floor, Shrikrishnapuri, Patna- 800001 through its General Manager.
6. The Project Director, National Highways Authority of India opposite of S.D.O. office Electric Department, Fazalganj, Sasaram, Rohtas, Pin- 821115.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-09-2024

Heard Mr. Dhanendra Chaubey, learned Advocate
for the petitioner and Mr. Sajid Salim Khan, learned Standing
Counsel for the State.

2. The petitioner by filing the present writ petition under Article 226 of the Constitution of India seeking quashing of the Memo No.205 dated 25.01.2024 issued by the respondent No.3 by which the lands of the petitioner has been described as agricultural instead of commercial or developed as per Government Circular and further to direct the respondent to pay



compensation for his lands bearing Khata No.33, Plot No.525, 526, 529 and 614 of Mauza-Basidha after correcting the nature of land.

3. Learned Advocate for the petitioner submitted that the Ministry of Road Transport and Highways published a Gazette notification dated 17.01.2022 intending to acquire the land for constructing road from 181.465 Km. To 201.665 Km. for NH-120 in Rohtas District in view of the provision under Section 3A(1) of National Highways Act, 1956.

4. Learned Advocate for the State without delving into the other facts of the matter submitted that since the petitioner is aggrieved by the order passed by the respondent No.3 whereby the claim of the petitioner with regard to the nature of the land has been rejected the petitioner has only remedy under Section 3G(5) of the National Highways Act, 1956.

5. This Court also finds substance that the petitioner has statutory remedy available under Section 3G(5) of the National Highways Act, 1956, where the petitioner can raise his claim before the arbitrator duly appointed under the notification issued by the Government of India.

6. In view thereof, the writ petition stands disposed



of with a liberty to the petitioner to approach before the learned arbitrator as prescribed under Section 3G(5)of the NH Act, 1956. If the same is done within a period of four weeks, the learned arbitrator shall consider and dispose of the matter expeditiously.

(Harish Kumar, J)

durgesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

