

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15702 of 2018

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Mina Devi wife of Sri Ravindra Choudhary Resident of Village - Ore, P.S. - Belaganj, District - Gaya.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Director Indian National Highway Authority, New Delhi.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Collector, Gaya.
5. The Land Acquisition Officer-cum- Competent Authority National Highway, Gaya.
6. The Additional Collector cum Arbitrator National Highway, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar, Adv.
For the Respondent/s	:	Mr.Raj Kishore Roy- GP18
For the NHAI	:	Dr. Maurya Vijay Chandra & Ms.Preety Ranjan, Advocates

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 19-11-2024

In the instant writ petition, petitioner has prayed for the following relief (s) :-

“For issuance of appropriate writ/writs, order/orders direction/directions for quashing the notice dated 10.07.2018 issued by land acquisition 4 officer, Gaya whereby and where under the petitioner has been directed to vacate/ remove the pucca commercial house within 15 days from the receipt of the notice which was constructed at Khata No 66 and Khesra No



419 in market of Ore and after quashing the abovesaid notice dated 10.07.2018 respondents be directed to make payment of compensation amount at the rate of market rate of commercial land of petitioner bearing Khesra No 419 and Khata No 66 which have been acquired for the widening of NH-83 (National Highway 83) in accordance with the present policy of the Government in respect of the payment of compensation amount for the acquisition of land, as the compensation amount is being given to the petitioner very low in view of the present position of land and even lessor than the amount of compensation which is being paid to the land holders of adjacent villager though there is no difference in between the land of petitioner and to grant any other reliefs for which petitioner may found entitled in the facts and circumstances of the present case. That the petitioner is seeking aforesaid reliefs on following.”

2. Perusal of the prayer clause shows that prayer of the petitioner is in two fold. In the first part, petitioner is aggrieved by the notice, and on the other, petitioner has prayed that he should be adequately compensated by declaring the land



in question as of commercial nature.

3. Learned counsel for the petitioner has orally submitted that first prayer of the petitioner has become infructuous now as the land in question has already been acquired by the NHAI, so the petitioner has only grievance with regard to grant of compensation declaring the land in question as commercial land. Learned counsel, however, has submitted that petitioner has not represented before any authority for redressal of her grievance.

3. Learned counsel for the State and the NHAI submitted that petitioner has not represented her grievance before any authority. Learned counsel submits that petitioner has remedy of filing application under section 3G(5) of the National Highways Act, 1956 before the Divisional Commissioner-cum-Arbitrator, who is the competent authority for deciding such claims.

4. Considering the facts and circumstances of the case and the arguments advanced on behalf of both the parties, the present writ petition is disposed of with liberty to the petitioner to approach the competent authority for redressal of her grievance, which has been raised by the petitioner in the present writ petition, within a period of four weeks from the date of



receipt of a copy of this order. The concerned authority is directed to consider and dispose of the grievance of the petitioner as per law after giving her due opportunity, expeditiously, within a reasonable period of time.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2024
Transmission Date	NA

