

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14068 of 2024

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Ramesh Chandra Kushawaha son of Late Baidhya Nath Kushawaha, Resident of Village-Bhaluwahiya, P.S.-Ramgarhwa, District-East Champaran.

... .. Petitioner/s

Versus

1. Union of India through the Secretary National Highway Department, New Delhi.
2. The Secretary Government of India, Ministry of Road Transport of Highway, Transport Bhawan, 1, Parliament Street, New Delhi 110001.
3. National Highway Authority of India through its Project Director, In-charge of N.H.-28-A., Transport Bhawan, 1, Parliament Street, New Delhi 110001.
4. The State of Bihar through the Principal Secretary Revenue and Land Reforms, Government of Bihar, Patna.
5. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
6. The District Magistrate cum Collector, East Champaran at Motihari.
7. The Sub Divisional Officer, Raxaul, East Champaran.
8. The District Land Acquisition Officer, East Champaran at Motihari.
9. The Circle Officer, Ramgarhwa, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Kumar Kamal Nayan, Advocate
For the NHAI	:	Dr. Iti Suman, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2024 Heard Mr. Ajay Kumar Singh, learned Advocate for the petitioner, Ms. Iti Suman, learned Advocate for the National Highway Authority of India and Mr. Kumar Kamal Nayan, learned Advocate for the State.

2. The petitioner by invoking the jurisdiction of this Court seeking a direction upon respondents to ensure payment of appropriate compensation against the land which was



acquired for the construction of NH-28A (Piprakothi to Ramgarhwa).

3. Learned Advocate for the petitioner contended that despite the objections filed by the petitioner for correction of the name of the petitioner which has been wrongly mentioned as Kisori Sah in place of Ramesh Chandra Kushwaha and further even in the notice issued under Section 3E(1) of the National Highway Act, 1956 the name of the petitioner have been mentioned as Ramchandra Kushwaha in place of Ramesh Chandra Kushwaha; till date correction has not been made.

4. It is further contended that the petitioner is also aggrieved with the action of the respondent authorities whereby the nature of the land has been determined as agriculture, though the recommendation of a six men committee, it has been declared as residential land. It is lastly contended that be that as it may, the land was acquired, a decade ago but till date the petitioner has not been accorded the compensation.

5. At this juncture, learned Advocate for the respondent-National Highways Authority contended that if the petitioner has any grievance with regard to the nature of the land and the correction as noted hereinabove, the petitioner may approach before the learned Divisional Commissioner-cum-



Arbitrator duly appointed under the notification issued by the Union of India under Section 3G(5) of the National Highways Act, 1956.

6. This Court finds substance in the aforementioned submission. The writ petition stands disposed off with a liberty to the petitioner to approach before the Divisional Commissioner-cum-Arbitrator in terms of Section 3G(5) of the National Highways Act, 1956 preferably within a period of four weeks from today. In case such an application is filed, the same shall be disposed off expeditiously preferably within a period of four months from the date of filing of such application.

(Harish Kumar, J)

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