

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14286 of 2023

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Rohit Kumar Singh Son of Shiv Narayan Singh, Resident o Village- Bheri,
P.O and P.S.- Chand, District- Bhabua (Kaimur).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Deputy Collector Land Reforms Cum Competent Authority for land Acquisition under the National Highway Act, 1956 having its office at Bhabua (Kaimur).
3. The Anchal Adhikari, Chand, District- Bhabua (Kaimur).
4. The Project Director, A.I.U., Aurangabad, National Highway Authority, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan (Sc25)
For NHAI	:	Rakesh Kr Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-01-2024 Heard learned counsel for the petitioner, State and
the NHAI.

2. This writ application has been filed to exclude the land of the petitioner appertaining to Plot No. 12 (area 0.7635 Hectares) Plot No. 16 (Area 1.03 Hectares) Plot No. 18 0.1923 hectares) under Khata No. 13 (Area situated within Mauja- Bheri, PS- Chand, District-Kaimur Bhabua from the notification issued under section-3D of the national Highway Act 1956 Published on 1st July 2022 in Dainik Jagran (Hindi Newspaper) from the acquisition for the purpose of construction of Green



filed Expressway/ Highway under the Bharat Mala Project-11 (Varanasi-Ranchi-Kolkata Road Construction). He further prays to quash the order dated 07-02-2023 passed by the Respondent No.-02 (Deputy Collector Land Reforms Cum the Competent Authority) in Abhilekh Vaad Sankhya- 257/2022-23 and direct him to decide the nature of the land in question afresh after proper verification of the spot related to land in question as well as after conducting spot enquiry in presence of the petitioner.

3. At the outset, learned counsel for the State appears and raises preliminary objection to the effect that an alternative remedy is available to the petitioner 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 petitioner 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. Petitioner 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 petitioner was pursuing the issue before this Court.

8 . The writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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