

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14453 of 2023

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Suraj Pandit, S/o Late Sundar Pandit, R/o Village- Bishnupura, P.O.-
Gultenganj, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Collector, Saran
2. The District Land Acquisition Officer cum Competent Authority, Saran at Chapra.
3. Executive Engineer NH Division, Saran NH 19

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ajay Kr Singh No.1, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-02-2024

1. Heard learned counsels for the parties.

2. This writ application has been filed for the

following reliefs:-

“(I) For issuance of an appropriate writ in the nature of writ mandamus directing and commanding the respondents to pay compensation of total land acquired by the respondents as such the respondent has acquired total 0.168 Hectare land of Mauja Bishunpura, Thana No. 314, Anchal Saran Sadar, District-Saran, whereas only 0.017 Hectare and 0.013 Hectare compensation has been paid and rest about 0.138 Hectare land which is about one Katha 11 Dhur land's compensation has not been paid to the petitioner.

(II) For issuance of an appropriate writ/writs, order/orders or direction/directions as Your Lordships may deem fit and proper.”

3. Learned counsel for the State 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 him in accordance with law.

7. If such an application is moved by the petitioner before the competent authority within a period of six weeks from today, the same shall be entertained and the order shall be passed expeditiously, in accordance with law, after hearing the parties, preferably within a period of one year from the date of filing of the application.

8. 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 under Article 226 of the Constitution of India.

9. With the aforesaid observations and directions, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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