

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14491 of 2023

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Rima Singh Wife of Santosh Kumar Singh, Resident of 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 and 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 State	:	Mr. Rishi Raj Sinha (Sc 19)
For the NHAI	:	Mr. Junaaid Akhtar, Advocate
		Mr. Rakesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner, State and the NHAI.

2. This writ petition has been filed for directing the respondent authorities to exclude the land of the petitioner, appertaining to Plot No. 79 Area 0.8154 hectares, Plot No. 22 Area 0.0035 hectares and Plot No. 90 Area 0.0252 hectares under Khata No. 26 situated at Mauza- Bheri, Revenue Thana No. 35, P.O & P.S. Chand, District- Bhabua (Kaimur), from the Notification issued under Section 3D of the National Highway Act, 1956 published in Dainik Jagaran Newspaper for the



purpose of acquisition for construction of road under the Bharat Mala Project-II and to decide the nature of land in question afresh after proper verification in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 after quashing the order dated 07.02.2023 passed in Abhilesh Vaad Sankhya 52/2022-23.

3. Learned counsel for the NHAI 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 under Article 226 of the Constitution of India.

8. Writ petition stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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