

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14854 of 2023

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Prem Nath Choubey S/o Late Ram Nagesh Choudhary R/o Village-Baghaila,
P.S.-Chand, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The National Highways Authority of India through its Regional Officer, Bihar, Patna having its Office at D-63, 1st Floor, Rajesh Kumar Path, Sri Krishnapuri, Boring Road, Patna-800001.
3. The State of Bihar through the Collector, Bhabua, Kaimur.
4. The Deputy Collector Land Reforms-Cum-Competent Authority for Land Acquisition under National Highway Act, having its Office at Bhabua (Kaimur).
5. The Anchal Adhikari, Chand Anchal, District-Bhabua (Kaimur).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Murari Mishra, Advocate
For the State	:	Md. Khurshid Alam AAG 12
		Mrs. Nutan Sahay, AC to AAG 12
For the NHAI	:	Mr. S.N. Pathak, Advocate
		Mr. Saurav Nikunj, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner, State and

the NHAI.

2. Petitioner by way of this writ petition has challenged the quantum of compensation on the ground that land of the petitioner appertaining to Plot No. 388 (area 0.851 hectares), Plot No. 389 (area 0.1374), Plot No. 393 (area 0.2046) all under Khata No. 42 and Plot No. 368 (area 0.6168 hectares) under Khata No. 90, 17 and 58 both situated within



Mauza Baghaila, P.S. Chand, Thana No. 193, Anchal Chand, District Kaimur (Bhabua) which has been acquired for construction of Greenfield Expressway/Highway under the Bharat Mala Project-II should be treated as residential land instead of agricultural land.

3. Learned counsel for the NHAI raises preliminary objection to the effect that an alternative remedy is available to the petitioners 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. 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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