

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16494 of 2024

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1. Shree Niwas Singh Son of Late Bairo Singh @ Bairan Singh, Resident of village - Moshadpur, Ward No. 09, P.O. - Tiltrath, P.S. - Barauni, District - Begusarai.
 2. Shree Kant Singh, Son of Late Bairo Singh @ Bairan Singh, Resident of village - Moshadpur, Ward No. 09, P.O. - Tiltrath, P.S. - Barauni, District - Begusarai.

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Chairman-cum-Managing Director, National Highways Authority of India, New Delhi.
3. The Regional Director, National Highways Authority of India, Patliputra Colony, Patna.
4. The Project Director, National Highways Authority of India, Dr. Rajendra Prasad Road, Near Barauni Dairy, Begusarai.
5. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
6. The District Magistrate, Begusarai.
7. The District Land Acquisition Officer, Begusarai.
8. The Circle Officer, Barauni Circle, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Verma Mr. Suman Kumar Verma Mr. Anish Kumar Ms. Ayushi Singh Ms. Anjali Singh
For the State	:	Mr. Anuj Kumar, AC to SC-12
For N.H.A.I.	:	Mr. Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-10-2024 1. Heard learned counsel for the petitioners, learned AC to SC-12 and learned counsel appearing on behalf of N.H.A.I., Shri. Kumar Gautam.
2. Learned counsel for the petitioners submits that



petitioners are aggrieved by notice dated 24-9-2024 issued by the competent authority-cum-Land Acquisition Officer, Begusarai in terms of Section 3E(1) of the National Highways Act, 1956 (hereinafter referred to as 'N.H. Act') in connection with Land Acquisition Case No. 03/2022-2023 which relates to four laning/widening of NH-31 whereby the plot of the petitioners have been acquired for the said purpose and the acquired land have been classified as residential, when the land acquired is of commercial nature, as would manifest from the Gazette Notification issued by the Ministry of Road Transport and Highways dated 26-10-2022.

3. The learned counsel for the petitioners submits that the notice dated 24-9-2024 is bad for the reason that the same has been issued in complete breach of the notification dated 26-10-2022 issued by the Ministry of Road Transport and Highways, whereunder Survey Plot No. 81 at village-Dholipur belonging to the petitioners has been classified as commercial, but the authority competent has issued the said notification fixing the compensation of the acquired land treating it to be as residential. It is further submitted that 0.063 acre of land equivalent to 1 kattha 17 dhur pertaining to Survey Plot No. 81 was acquired by the National Highways for the aforesaid



purpose.

4. Learned counsel appearing on behalf of N.H.A.I. submits that petitioners have rushed to this court without availing their alternative remedy. It is submitted that if the petitioners are aggrieved by the fact that the Land Acquisition Officer is granting compensation treating the land of the petitioners as residential instead of commercial, in that event, the petitioners have remedy of moving before the competent authority under Section 3G(5) of the N.H. Act. It is next submitted that the Government has declared the Commissioner, as Commissioner-cum-Arbitrator for adjudicating such dispute.

5. The said submission of the learned counsel appearing on behalf of the N.H.A.I is not disputed by the learned counsel appearing on behalf of the petitioners.

6. After hearing the learned counsel for the parties, the petitioners are directed to seek their remedy before the authority competent under the N.H. Act as recorded hereinabove.

7. In the event if the petitioners file any application before the Commissioner-cum-Arbitrator for adjudicating the dispute raised in the instant writ application on or before 25-11-2024, the Commissioner-cum-Arbitrator shall dispose of the



application within a period of 6 months from the date of filing of the application by the petitioners.

8. Accordingly, the writ application is disposed of with the aforesaid direction.

(Satyavrat Verma, J)

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