

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18369 of 2022**

1. Lal Narayan Prasad Son of Late Raj Kumar Mahto @ Raj Kumar Prasad resident of Village- Farha, P.S. Akbarpur, District- Nawada.
2. Smt Shyamful Devi, wife of Suresh Prasad Verma, resident of Village- Farha, P.S. Akbarpur, District- Nawada.
3. Krishna Devi, wife of Late Jay Prakash Narayan Dev resident of Village- Farha, P.S. Akbarpur, District- Nawada.
4. Rabindra Kumar Tushar Nayan @ Rabindra Kumar, son of Late Saryoo Prasad resident of Village- Farha, P.S. Akbarpur, District- Nawada.
5. Ranju Devi, wife of Upendra Singh resident of Village- Farha, P.S. Akbarpur, District- Nawada.
6. Lal Narayan Singh, son of late Gajadhar Singh resident of Village- Farha, P.S. Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Collector, Nawada.
4. The District Land Acquisition Officer, Nawada.
5. The Project Director, N H- 31 Four lane Project (Bakhtiyarpur- Rajauli) Section, Bihar, Ministry of Road Transport and Highways, Govt. of India (NHAI).

... .. Respondent/s

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr. Sanjay Prasad , Advocate       |
| For the Respondent/s | : | Mr. Rishi Raj Sinha (Sc19)         |
| For NHAI             | : | Dr. Maurya Vijay Chandra, Advocate |
|                      |   | Mr. Gaurav Govinda, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      12-01-2024                      Heard learned counsel for the petitioners, State  
and the NHAI.

2. This writ application has been filed for issuance of  
direction to the respondents to make compensation with



statutory interest to the petitioners under right to fair Compensation and transparency in Land Acquisition, rehabilitation and resettlement Act 2013 in the light of Circle rate of 2022 in place of circle rate 2014 against the residential house – cum Commercial building of the petitioners has been acquired and utilised for construction of NH-31 four Lane (Bakhtiyarpur- Rajauli section ) .

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 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 petitioners 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. Petitioners 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 petitioners were pursuing the issue before this Court.

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

**(Prabhat Kumar Singh, J)**

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