

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15624 of 2023

Sanjay Kumar Mishra Son of Hargen Mishra, Resident of 207, Baikunthpur,
P.O and P.S.- Narayanpur, District- Mirzapur, Uttar Pradesh- 231305.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Deputy Collector 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

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp 18)
For NHAI	:	Dr. Anand Kumar , Advocate
		Mr. Ranjan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-01-2024 Head learned counsel for the parties.

2. This writ application has been filed for the following reliefs:-

(A). To exclude the land of the petitioner appertaining to Plot No. 443 , Total Area 6.25 decimals, under the Khata No. 18 , situated at Mauuza – Basini, Revenue Thana No. 730, District -Bhabua (Kaimur) from the Notification issued under Section 3D of the National Highway Act, 1956 (Hereinafter referred to as "the Act")



published in Dainik Jagaran (Hindi News Paper) and The Times of India (English Newspaper) on 25 February , 2023 from the acquisition for the purpose of the construction of road under the Bharat Mala Project II (Varanasi Ranchi -Kolkata Expressway) after getting its production from the office of the respondents.

(B.) To direct the respondent Deputy Collector Land Reforms, Bhabua (Kaimur) to decide the nature of the land in question afresh after proper verification of the related documents as well as conducting spot enquiry in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as well as various government order/letter after quashing of the order dated 08 .02.2023 passed in Abhilekh Vaad Sankhya 09/2022-23 in presence of the petitioner.

3. At the outset, 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 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.

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

(Prabhat Kumar Singh, J)

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