

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17036 of 2024

1. Ayaz Ahmad Khan son of Late Shamim Ahmad Khan @ Shamumuddin Khan, resident of Village Sondiha, Bigha, P.S. Barachatti, District Gaya.
2. Kausar Niyazi Khan @ Kausar Niyazi son of Late Shamim Ahmad Khan @ Shamimuddin Khan, resident of Village Sondiha, Bigha, P.S. Barachatti, District Gaya.

... .. Petitioner/s

Versus

1. State of Bihar through the Additional Chief Secretary, Department of Revenue Land Reforms, Patna.
2. The Collector, Gaya.
3. The District Land Acquisition Officer, Gaya.
4. Circle Officer, Barachatti, Gaya.
5. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
6. National Highway Authority of India through the Chief General Manager (corridor) NHAI, G5 and G6 Sector-10, Dwarika, New Delhi-110075.
7. The Regional Director, National Highway Authority of India Boring Road, Patna.
8. The Project Director, National Highway No. 2, NHAI, Sasaram, Bihar.
9. Nasimmuddin Khan, son of Late Ashraff Hussain Khan, Village Sondiha (Tola Bigha), P.S. Barachatti, District Gaya. At present resident of Mohalla Murarpur, ALN Road, Murarpur, P.S. Kotwali, District Gaya.

.. ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nikhilesh Kumar, Advocate
For the State	:	Mr.Rakesh Prabhat, AC to SC 21
For NHAI	:	Mr.Kumar Goutam, Advocate
For the U.O.I.	:	Mr.Anwar Karim, CGC

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 12-11-2024

In the instant petition, petitioners have prayed
for the following relief(s):-

*For issuance of writ in the
nature of Mandamus and/or any other*



appropriate writ order or direction commanding upon the respondents to pay the compensation amount to the petitioners pursuant to the award dated 30.6. 2015 passed in Land Acquisition Case no. 100/ 2013-14 with 12% interest per annum for acquisition of their Land Area 0.0077 Hectare Plot No. 220, Khata No. 68 situated in village Karma, Circle Barachatti, District Gaya.

2. Learned counsel for the petitioners submits that the award has been prepared in the name of petitioners' father Shamim Ahmad Khan @ Shamimuddin Khan but the uncle of the petitioners has disputed the amount of award as he is claiming that the land in question belongs to him and the dispute has arisen regarding the apportionment of the compensation amount. Petitioners have filed petition before District Land Acquisition Officer, Gaya and he has not decided the said representation of petitioners even though the award was prepared in June, 2015 and the objection has been filed by the uncle of the petitioners on 04.11.2015. Learned counsel submits that the matter has not been decided even after lapse of more than nine years and the same is still pending.



3. Learned counsel for the NHAI submits that there is dispute regarding apportionment of compensation amount and the relevant provision for apportionment of compensation amount has been covered under Section 3(H) sub clause 4 of NH Act, 1956 where it has been mentioned that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated. It has been admitted that such dispute regarding apportionment must be referred to the competent Civil Court. Learned counsel for NHAI has also submitted that a Partition Suit No. 6/2016 is pending with respect to the land in question and in that context Civil Court has competent jurisdiction as per the statutory provisions, as mentioned in NH Act, 1956.

4. In the light of the aforesaid facts and circumstances of the case as well as arguments advanced on behalf of the parties, the present writ petition is disposed of with direction to the concerned authority, as per the statutory provision, to refer the dispute to the competent Civil Court



regarding the apportionment of compensation amount of land
in question within a reasonable period of time after receipt of
this order.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.11.2024.
Transmission Date	N/A

