

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3282 of 2016

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Kameshwar Prasad Yadav son of Late Munsii Pd. Rai Resident of village-
Kurkuri, Phulwari, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

1. The Union Of India
2. The Deputy Secretary, Ministry of Road Transport and Highways, Govt. of India, New Delhi
3. The National Highways Authority of India, through its Chairman cum Secretary, Ministry of Shipping Road Transport and Highways, Govt. of India, New Delhi
4. The Project Director, National Highways Authority of India, D- 36, Sri Krishnapuri, Patna
5. The State of Bihar, through the District Magistrate cum Collector, Patna
6. The Additional Collector cum Arbitrator Patna
7. The District Land Acquisition Officer cum Competent Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajatshatru, Advocate
For the Respondent/s	:	Mr. GP19- Rajesh Kumar
For the NHAI	:	Dr. Maurya Vijay Chandra, Advocate
	:	Mr. Gaurav Govinda, Advocate
	:	Ms. Preety Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-07-2025 Heard the parties.

2. The present petition has been preferred for the
grant of following relief(s):

*“to issue a writ in the nature of MANDAMUS/
CERTIORARI or any other writ or direction
commanding the respondents to enumerate and
pay the solatium in the Award No. 5 at the rate
of 60% to petitioner in L.A. case no. 60/2012-13*



for plot no. 3030 measuring area 0.15331 acre on the ground that he has filed No Objection Affidavit dated 27.08.2015, and further prays to issue direction to respondents to accept the No objection affidavit dated 27.08.2015 for enumerating the solatium at the rate of 60% in the amount of award no. 5 in view of the direction issued by the Govt. of Bihar Contained in letter no. 65 dated 14.01.2011 [Ann-] and Further prayer to pay the amount of award enumerating the new rate of land as no award has yet been declared, And further to issue any further direction/ directions to the respondents in view of the facts and circumstances of this case.”

3. The matter relates to the construction/widening of Patna-Buxar National Highway in which the lands of the petitioner was also acquired. The grievance is that earlier the compensation amount decided was later lower for which appropriate petition was preferred which remained unattended.

4. Learned State counsel as also learned counsel representing the National High Authority of India jointly submit that the petitioner can approach the competent authority under



alternate remedy [(under section 3 G (5)] of the National Highway Act, 1956.

5. Learned counsel for the petitioner submits that they shall be appearing before the competent authority/Arbitrator-cum-Divisional Commissioner, Patna Division, Patna for the redressal of their grievance in next four weeks.

6. If the petitioner approaches in the aforesaid period, the competent authority/Arbitrator-cum-Divisional Commissioner, Patna Division, Patna, after putting the parties on notice and hearing them, shall be taking a decision preferably by 31st of December, 2025.

7. It is further made clear that if the petition is preferred within four weeks from today, the concerned authority shall take into consideration that the petitioner's writ petition was pending before this Court while dealing with the limitation petition.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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