

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4441 of 2017

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1. Ramcharitra Yadav and Ors S/o Late Aklu Yadav
 2. Kapildeo Prasad, S/o Late Chamari Yadav
 3. Ramashray Prasad, S/o Late Chamari Yadav
 4. Most. Rekha Devi, W/o Late Kedar Yadav All are Resident of Village- Narainpur, P.S.- Barbigha, District- Sheikhpura, Pin- 811101.

... .. Petitioner/s

Versus

1. The Union Of India through its Secretary, Ministry of Road Transport & Highway, New Delhi.
2. The Secretary, Ministry of Road Transport and Highway, Union of India, New Delhi.
3. The Chairman, Indian National Highway Authority, New Delhi.
4. The Secretary, Department of Land Acquisition, Government of Bihar, Patna.
5. The Collector, Sheikhpura.
6. The District Land Acquisition Officer, Sheikhpura.
7. The Circle Officer, Barbigha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lakmesh Marvind, Advocate
For the Respondent/s	:	Mr. A.C. to S.C.-25
For the N.H.A.I.	:	Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 17-02-2025 Heard learned Counsel for the parties.

2. The present petition has been preferred for the following reliefs:-

*(i) For issuance of appropriate writ(s),
order(s) direction(s) commanding the respondents
concerned to decide the objection petitions dated
19.02.2015, 25.01.2017 and declare that the*



valuation of land of Khesra no. 2358 area 0.200151 acres equivalent to 0.081 hectares which is equal to 23 decimals of land as Rs. 5,25,000/- per decimal as per the minimum valuation of the land fixed under the Indian stamp Act and Bihar Stamp Rules 1995.

(ii) For further directing the respondent concerned to not to decide the nature of the land acquired as residential without any basis and pay compensation accordingly.

(iii) For directing the respondent concerned to pay compensation of 0.081 hectare of land which is equal to 23 decimal of land of Khesra no. 2358 to be calculated and paid as a commercial land and as per valuation Rs.5,25,000/- per decimal for the land alongside of the main road in Narainpur village of Barbigha anchal of the district - Sheikhpura.

(iv) For further directing the respondent concerned to take plot no. 2358 in Narainpur village a commercial land as the respondent have taken the plot no.798, 801, 802, 805, etc. of



Fazullahpur village a commercial land since all of them fall alongside the NH-82.

(v) For further directing the respondent concerned to take plot no. 2358 in Narainpur village a commercial land as the respondent have even taken the plot no.803 which is 50 kari way from the NH-82 and plot no.795 which is 400 kari way from the NH-82, plot no.796 which is 400 kari way from the NH-82 of Fazullahpur village a commercial land.

(vi) For any other relief(s).

3. The petitioners' land was acquired for widening of N.H.-22. The contention of the petitioners is that, instead of computing the compensation for commercial land, the compensation was computed by the Authorities treating the land to be residential one.

4. Learned Counsel for the N.H.A.I. submits that if anybody feels himself to be aggrieved regarding the inadequacy of quantum of compensation, he may approach the Divisional Commissioner (Arbitrator) under **Section 3(G)5** of the **National Highways Act, 1956**. He submits that alternate remedy is available to the petitioners.



5. The petitioners for redressal of their grievances may take the recourse of statutory remedies provided under the law. At the same time, I do not see any hurdle in payment of admitted compensation amount to the petitioners, if there is no cogent reason for its non-payment. It is expected that the admitted amount shall be paid within a period of three months.

6. With these observation(s), the writ petition stands disposed of.

(Nawneet Kumar Pandey, J)

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