

(2019) 01 JH CK 0170
In the Jharkhand High Court
Case No : Writ Petition (C) No. 3977 Of 2018

Saroj Kumar Das And Ors

APPELLANT

Vs

National Highway Authority Of India And Ors

RESPONDENT

Date of Decision : 07-01-2019

Acts Referred:

National Highways Act, 1956 — Section 3(i), 3(a)

Citation : (2019) 01 JH CK 0170

Hon'ble Judges : Sujit Narayan Prasad, J

Bench : Single Bench

Advocate : Vishal Kumar Trivedi, Shresth Gautam, Satish Kumar, Sweetly Topno, Atanu Banerjee, Kaustav Panda

Final Decision : Disposed Of

Judgement

1. By the instant writ petition the petitioner have sought for a direction upon the respondent-authority to re-measure and re-valuate the lands by Amin

as the house constructed over the land of the petitioners are prior to demolition in lieu of acquisition owing to the fact that the lands of petitioners have

been acquired for the purpose of National Highway.

2. It is evident from the material available on record vis-a-vis the statutory provision as contained in National Highways Act, 1956 that there is a

provision to adjudicate the dispute by the competent authority as stipulated under the provision of Section 3(i) of the Act, 1956. The competent

authority has been defined under the provision of Section 3(a) of the act, 1956 and it has been informed to the Court that the competent authority has

already been notified by the Central Government but no decision has yet been taken by the said competent authority, therefore, it would be

appropriate, at this stage, to dispose of the writ petition by giving liberty to the

petitioner to approach before the competent authority by invoking the jurisdiction conferred to it under the provisions of Section 3(i) of the Act, 1956 raising their grievance within two weeks. If that would be done, the competent authority will adjudicate upon the said the matter within a period of six weeks from the date of receipt of such objection in accordance with law after providing an opportunity of hearing to the petitioners.

3. It is made clear that this Court has not exercised its mind upon the merit of the case.

4. With these observations, this writ petition stands disposed of.