

(2024) 12 PAT CK 1244

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.18728 of 2024

Surendra Kumar Singh

APPELLANT

Vs

State of Bihar And Others

RESPONDENT

Date of Decision : 10-12-2024

Acts Referred:

National Highways Act, 1956 — Section 3(G)(5)

Citation : (2024) 12 PAT CK 1244

Hon'ble Judges : Alok Kumar Pandey, J

Bench : Single Bench

Advocate : Dhananjay Mishra, Ravi Kumar, Akshay Lal Prasad, Rajesh Shandilya, Kumar Goutam

Final Decision : Disposed Of

Judgement

Alok Kumar Pandey, J

1. That, this writ application is being filed for issuance of writ/writs, Mandamus/ Appropriate in the nature for the following relief:-

"I) To direct to the respondent authorities to make sufficient, adequate and satisfactory payment for compensation in the light of latest value of land treating as residential land as per RFCTLARR Act 2013.

In view of the facts the land of petitioner has been acquired through Award No. 28 vide Survey Plot No.500, 512, 516 and 519 Rakba 0.022, 0.002, 0.008 and 0.004 Hect. Mauza Hewantpur for construction of N.H. 19 Four lane Road and the award has been made as agricultural land but surprisingly the plot no. 496 has been declared as residential value which is quite away from the previous road and petitioner's land is adjacent to the previous road. Hence the compensation must be ascertained as per the Residential but due to malafide intention and oblique reason or residential land rate has not been ascertained.

II) For a direction to follow the declaration of types of land as Residential by the

Committee for plot no. 496 which has been declared as Residential land and the land of the petitioner is just adjacent to the Plot No. 496.

III) To provide compound interest on delay payment.

IV) To impose heavy cost upon erring authorities and a departmental proceeding must be initiated with immediate step.

V) Any other relief/reliefs for which petitioner is entitled for.”

2. Learned counsel for the petitioner submits that land in question which has been acquired for construction of N.H. 19 four lane road, belongs to the petitioner. The land pertaining to Plot no.496 has been declared as residential land but the land of the petitioner, which is adjacent to plot no.496, has not been declared as a residential. The petitioner has only grievance that the land in question has not been declared as a residential plot. He further submits that through Annexure-3 he has represented before the D.M., Saran, Chapra and through Annexure-4 he has also represented before the Land Acquisition Officer, Chapra but they have not taken any steps with regard to the declaration of land in question.

3. Learned counsel for the State submits that the petitioner has not raised his grievance before the appropriate forum i.e. Divisional Commissioner cum Arbitrator duly appointed under the notification issued by the Union of India under Section 3G(5) of the National Highways Act, 1956 and without approaching the appropriate forum/ authority the petitioner has rushed to this Court.

4. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the present petition is disposed of with direction to the petitioner to approach before the Divisional Commissioner-cum-Arbitrator in terms of Section 3G(5) of the National Highways Act, 1956 to raise his grievance within a period of four weeks from the date of receipt of this order. If the petitioner raises his grievance before the concerned forum/authority by filing representation within stipulated period, the concerned forum/authority shall pass appropriate order on the representation of the petitioner within four months from the date of filing of representation in accordance with law after giving due opportunity of hearing to the party concerned.