

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.295 of 2015

=====

1. Pancham Singh Son of Late Ram Kumar Singh Resident of village - Karnpura,
P.O. and P.S. Durgawati, District – Kaimur.

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Surface Transport and
Ministry of Highways, New Delhi
2. The Managing Director, N.H.A. – 2 Patna (Bihar)
3. The Collector, Kaimur, Bhabhua, District Kaimur
4. The Competent Authority, N.H. - 2 -Cum - District Land Acquisition Officer,
Kaimur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Rameshwar Singh, Advocate.
For the Respondent/s : Mr. Ram Balak Mahto, AG

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 06-02-2015

Heard the counsel for the petitioner, the State and
Mr. Pathak for the National Highway Authority of India (for short
‘the NHAI’).

394 Sq. mt. of land belonging to the petitioner was
acquired by the respondent for construction of highways. Completion
of procedure made in this regard is not under question. The petitioner
has raised a grievance that the compensation fixed by the respondent
is wholly inadequate inasmuch as solatium and interest as per law
have not been computed. A representation in this regard was made
vide Annexure-4 before the competent Authority –cum-District Land

Acquisition Officer, Kaimur which remained hitherto unheeded. In the aforesaid circumstances, the present writ petition has been filed.

Learned counsel(s) for the State as well as the NHAI have taken a stand that if the petitioner is dissatisfied with the compensation assessed and fixed by the respondent(s) then an application under Section 3- G (5) of the National Highways Act, 1956 (for short 'the Act') can be made before the competent Authority who is the Additional Collector of the District . Section 3 – G(5) of the Act reads as under:-

“3-G(5)If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

Appreciating the aforesaid submissions of the respondent(s), learned counsel for the petitioner has submitted that the petitioner be granted liberty to make an application before the competent Authority invoking the jurisdiction of the Authority under the Act enabling him to consider the grievance of the petitioner .

Regard being had to the above, the writ application is disposed of permitting the petitioner to file an application in terms of Section 3 G-(5) of the Act . If any such application is filed, I am sure the Authority will consider and dispose of the same by an

appropriate/reasoned order in accordance with law as quickly as possible preferably within three months from such filing.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--