

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18859 of 2015

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1. Mukesh Kumar, Son of late Kapildeo Narayan Singh, Resident of Village- Ore , P.S. Belaganj, District Gaya.
2. Ashok kumar, Son of late Kapildeo Narayan Singh, Resident of Village- Ore , P.S. Belaganj, District Gaya.

.... Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Road Transport and Highways, New Delhi.
2. The Director, National Highway Authority of India, Ltd. under the Ministry of Road Transport and Highways, Government of India New Delhi.
3. The Competent Authority cum District Land Acquisition Officer, Gaya.
4. The District Magistrate, Gaya.
5. The Divisional Commissioner Magadh Range, Gaya.
6. The Additional Collector Gaya.
7. The State of Bihar through District Magistrate, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Adv.
Mr. Arvind Kumar Sharma, Adv.
For the Respondent no.1 : Mr. S.D.Sanjay, A.S.G.
For the Respondent no.2 : Mr. S.N.Pathak, Adv.
For the Respondent nos.3to7: Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-07-2016

Heard the parties.

The petitioners have filed the present writ petition raising a grievance that R.B. Case No.46 of 2014-15 filed by them for enhancement of quantum of compensation determined under the provisions of The National Highways Act, 1956 (in short 'Act, 1956'), is not being disposed of by the Arbitrator-cum-Additional Collector, Gaya in terms of Section 3-G(5) of the Act, 1956 despite passage of a long time.

In view of the nature of the grievances /claims raised on behalf of the petitioners in the present writ petition, this Court is of the opinion that, instead of keeping the matter pending before

this Court asking the respondents to file their counter affidavit, the interest of justice shall be sub-served, if the petitioners are directed to appear before the Arbitrator-cum-Additional Collector, Gaya within a period of two months from today with a certified copy of the present order, whereafter the Arbitrator-cum-Additional Collector, Gaya shall dispose of the R.B. Case No.46 of 2014-15 at an early date preferably within a period of six months from the date of appearance of the petitioners in the manner indicated above. It is ordered accordingly.

It goes without saying that, once the petitioners appear before the Arbitrator-cum-Additional Collector, Gaya within the time prescribed above, then the matter shall be taken up on priority basis and all endeavours shall be made to dispose of the same within the time prescribed by this Court strictly in accordance with law.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the parties in the present proceeding and it is left to be decided by the Arbitrator-cum-Additional Collector, Gaya strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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