

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5982 of 2014

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Mantu Kumar, Son Of Late Ramchandra Singh, Resident Of New Yarpur,
Janta Road, P.S. Gardanibagh, Distt. Patna

.... Petitioner/s

Versus

1. The State of Bihar through District Land Acquisition Officer, Patna
2. The Chief Secretary, Govt. Of Bihar, Patna
3. Principal Secretary, Revenue and Land Reforms Deptt. Govt. of Bihar, Patna
4. District Magistrate - Cum - District Land Acquisition Officer, Patna
5. Competent Officer - Cum - District Land Acquisition Officer, Patna
6. National Highway Authority of India through its Project Director, Project Implementation Unit, D/63 Sri Krishnapuri, Patna
7. Project Director, Project Implementation Unit, National Highway Authority of India, D/63 Sri Krishnapuri, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the Respondent nos.1to5 : Mr. Suman Kumar Jha, AC to AAG-5

For the Respondent nos.6&7 : Mr. Shri Nath Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-07-2016

Heard the parties.

The matter at issue is the quantum of compensation payable to the petitioner with respect to the lands in question, fully detailed in paragraph 1 of the writ petition itself, which have been acquired under the provisions of The National Highways Act, 1956 (in short 'Act, 1956').

Learned counsel appearing on behalf of the petitioner submits that the lands in question belonging to the petitioner, besides other plots of lands, were acquired for construction of Patna-Buxar four lane by the National Highway Authority of India. It is further submitted that the determination of the amount of compensation payable to the petitioner was made in terms of Section 3-G(1) of the Act, 1956 treating the lands in question as

agricultural in nature, though, according to the petitioner, the nature of land is residential; therefore, petitioner is entitled to have higher amount of compensation.

Learned counsel appearing on behalf of the petitioner has next submitted that the petitioner, not being satisfied with the determination of compensation amount made by the competent authority, moved before the Arbitrator in terms of Section 3-G(5) of the Act, 1956, but the petition filed by him is not being disposed of by the Arbitrator and the matter is still pending there.

Though, this writ petition was filed way back on 24.03.2014, but, despite passage of more than two years, counter affidavit has not been filed on behalf of the respondents till date.

In view of the nature of the grievances raised on behalf of the petitioner in the present writ petition and in view of the fact that no counter affidavit has been filed on behalf of the respondents till date, 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 petitioner is granted liberty to appear before the Arbitrator-cum-Additional Collector of the concerned district within a period of one month from today with a certified copy of the present order. The Arbitrator-cum-Additional Collector of the concerned district, in turn, shall dispose of the matter filed by the petitioner in terms of Section 3-G(5) of the Act, 1956, if not already disposed of, at an early date, preferably within a period of three months from the date of appearance of the petitioner in the manner indicated above. However, if the matter has already been disposed of by the Arbitrator-cum-Additional Collector, then the petitioner shall be at liberty to challenge that

order before an appropriate forum/court 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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