

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13421 of 2016

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1. Radheshyam Tiwari Son of Late Jagdeyal Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 2. Shivvyash Tiwari Son of Late Ram Gobind Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 3. Akhilesh Pandey Son of Late Nawal Kishore Pandey R/o village - Rampur Milki, P.O. Gangahar, P.S. Ara Muffasil, District - Bhojpur
 4. Jaleshwar Tiwari @ Barinandan Tiwari Son of Late Daibdeyal Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 5. Sri Niwas Tiwari Son of Late Subedar Tiwari @ Shiv Kumar Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 6. Shyam Narayan Tiwari Son of Late Ram Niwas Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 7. Awadh Kishor Tiwari Son of Late Sakunat Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 8. Harishankar Tiwari Son of Late Bishwanath Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 9. Dasharath Tiwari Son of Late Chandradeep Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 10. Dinesh Kumar Son of Late Bashishth Ram and Late Rukminakuer R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur
 11. Ishwar Deyal Tiwari Son of Late Deodhari Tiwari R/o village - Bishunpura, P.O. Bampali, P.S. Udwant Nagar, District - Bhojpur

.... Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Road Transport and Raj Marg New Delhi
2. The Director Land Acquisition Directorate Bihar, Patna
3. The District Collector, Bhojpur at Ara
4. The District Land Acquisition officer, Bhojpur at Ara
5. The In Charge officer Jan Shikayat Koshang Bhojpur at Ara
6. The Arbitrator Cum - Additional Collector Bhojpur at Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra
For the Respondent/s : Mr. Subhash Pd. Singh- Ga7

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 09-08-2017

Heard the parties.



The lands of petitioners were acquired for contruction of Four Lane from Patna to Buxar N.H. No. 84 but the compensation of the aforesaid acquired lands was determined treating the lands “Bhithu” as entered into revenue records particularly, in the circumstance when the nature of lands had already changed and the acquired lands have become commercial lands. Moreover, the award has already been prepared but the competent authority did not fix the compensation amount treating the acquired land as commercial land nor took notice of letter issued by competent authority of National Highway Authority of Indian annexed as Annexure 24 series to I.A.No. 265 of 2017.

On the other hand, learned counsel appearing for the N.H 84 submits that if petitioners are aggrieved by the amount determined by the competent authority, petitioners may raise their grievance before the Arbitrator appointed by the government and presently, the Additional Collector, Bhojpur has been appointed Arbitrator under section 3G(5) of the National Highway.

Annexure-9 to the petition goes to show that petitioner no. 3 and petitioner no. 1 as well as some others have already filed objection before the Arbitrator cum Additional Collector, Bhojpur, Ara being objection Case No. 04 of 2013. therefore, in the aforesaid circumstance, this writ petition stands



disposed of giving direction to the respondent no. 6 to dispose of the objection filed by the petitioners under section 3G (5) of the National Highway Act 1956 within three months from the date of receipt/ production of a copy of this order.

However, it is made clear that if it is found that any of the petitioners has not filed objection under section 3G (5) of National Highway Act 1956, the petitioner may file objection before the Arbitrator cum Additional Collector, Bhojpur, Ara under section 3G (5) of National Highway Act within three weeks from today and, if the said petitioner does so, his objection shall also be heard along with objection no. 62 of 2013

(Hemant Kumar Srivastava, J)

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