

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18662 of 2014

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1. Sushila Devi @ Sushila Kunwar, Wife of Sri Shiv Kishore Singh,
 2. Shiv Kishore Singh, Son of Late Bilat Singh
- Both resident of village- Morsand, P.S.- Runni Saidpur, District - Sitamarhi.

.... Petitioners

Versus

1. The Union of India, through the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
3. The State of Bihar, through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
5. The Secretary, Forest and Environment Department, Government of Bihar, Patna.
6. The Secretary, Agriculture Department, Government of Bihar, Patna.
7. The Collector, Sitamarhi.
8. The Range Officer, Forest Department, Sitamarhi.
9. The District Horticulture Officer, Sitamarhi.
10. The Additional Collector, Sitamarhi.
11. The Competent Authority-Cum-District and Land Acquisition Officer, Sitamarhi.
12. The National Highway Authority of India.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Adv.
For the N.H.A.I. : Mr. S.D. Sanjay (Addl. Solicitor General)
For the Union of India : Smt. Punam Kumari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-09-2017



Heard learned counsel for the parties.

In this case, the petitioners are aggrieved by the amount of compensation of the land, which has been acquired for construction of National Highway.

The land bearing Khata No.1261, Khesara No.6655, area 0.417 hectare, Khata No.1405, Khesara No.9713, area 0.07 hectare and Khata No.1171, Khesara No.9697, area 0.31 hectare have been acquired under the National Highway Act, 1956. The petitioners are not satisfied with the compensation amount on the premise that some portion of the land have been treated as 'residential land' and some portion of the land has been treated as 'agricultural land', but the compensation has been fixed treating the land as 'agricultural land', whereas, the claim of the petitioners is that the acquired land is commercial in nature, so the fixation of the rate of compensation should be done on the basis of the 'commercial land'.

Learned counsel for the petitioners submits that on the land, in question, there were fruit bearing trees, while fixing the compensation amount, the authority has not taken into consideration trees standing on the land which has been acquired.

If the petitioners are not satisfied with the compensation amount, they are at liberty to file application in terms



of the Section 3G(5) of the Act and the matter will be referred to the Arbitrator and who will decide the case in terms of the Arbitration and Conciliation Act, 1996 as has been provided under Section 3G (5) and 6 of the National Highway Act.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	15.09.2017
Transmission Date	N/A.

