

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22221 of 2014

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1. Ram Bachan Singh, Son of Late Chhedi Singh
2. Rajesh Kumar Singh @ Anjani Kumar Son of Ramji Singh
Both Resident of village - Karnpura, P.O. & P.S. Durgawati, District - Kaimur

.... Petitioners

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, Bhabhua

.... Respondents

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Appearance :

For the Petitioners : None
For the Resp. No. 2 : Mr. Rajiv Kumar Singh, Advocate
For the State : Mrs. Anuradha Singh, SC 21

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-10-2017

The present writ petition has been filed for the following reliefs-

- (i) Issuance of writ in the nature of mandamus directing and commanding the respondents to prepare the Award in land acquisition to the petitioners in the light of the State Government's Resolution as also per the commercial land valuation notified by the District Sub-Registrar, Mohania, Kaimur w.e.f. 01.03.2013.
- (ii) Issuance of a further writ in the nature of mandamus commanding the respondents to calculate the compensation of the petitioners' lands according to the income of the petitioners from their lands and hereby revise the amount of



award and pay the same within time prescribed by this Hon'ble Court as also to dispose of the representation of petitioners filed on 10.06.2010 and 18.02.2013.

- (iii) Issuance of an appropriate declaration that once the valuation of the nearby lands determined and fixed by the District Land Acquisition Officer, Kaimur, as commercial value there appears no justification for the Land Acquisition Officer to calculate the compensation of the petitioners' land at different rates from other lands and thus the District Land Acquisition Officer, Kaimur to oblige to consider the presentation/claim of the petitioners and to revise the amount of compensation.
- (iv) Issuance of a further writ in the nature of mandamus commanding the respondents to calculate the compensation of petitioners' land according to the provisions of the New Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (v) Issuance of appropriate direction to Respondents either to re-calculate the compensation without showing any discrimination or in alternative to release the lands of petitioners from acquisition and give vacant possession of the same to the petitioners.
- (vi) Any other relief or reliefs be granted to the petitioners to which they are found to be entitled too in accordance with law.

2. None appears on behalf of the petitioners despite repeated



calls. A perusal of the writ petition discloses that the petitioners submitted their claim for compensation on the basis of commercial valuation of the land as fixed by the District Sub-Registrar, Mohania, Kaimur, but however, the amount of compensation was calculated without due regard to such commercial valuation and the award was prepared on 18.08.2012.

3. Learned counsel for the respondents on the other hand raises an objection with regard to the maintainability of the writ petition submitting that any objection with regard to the amount of compensation determined by the competent authority is required to be decided by the Arbitrator in terms of Section 3G(5) of the National Highways Authority Act, 1956.

4. Having regard to the submissions on behalf of the respondents, this Court is not inclined to enter into the merits of the matter. The writ petition stands dismissed with liberty to the petitioners to approach the Arbitrator in terms of the provisions of N.H.A.I. Act, if so advised.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.10.2017
Transmission Date	N.A.

