

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18920 of 2014

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1. Sita Devi widow of Brijnandan Prasad Singh
2. Sundari Devi widow of Raja Ram Prasad Both resident of Mohalla Chakaram, Ward No. - 24, with in Patna Municipal Corporation, P.S. - G.P.O. Patna P.S. - Buddha Colony, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate cum-Collector, Patna.
2. The District Magistrate Cum-Collector, Patna.
3. The District Land Acquisition Officer, Patna.
4. The Union Of India, through Secretary Department of Road Transport and Highways (National Highways Authority of India), Ministry of Road Transport and Highways, New Delhi.
5. Project Director (National Highways Authority of India), Ministry of Road Transport and Highways, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan
For the State : Mrs. Binita Singh, SC 28
Mr. Kumar Komalnayan, AC to SC 28
For NHAI : Mr. Dr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 12-04-2018 Heard learned counsel for the petitioner and learned counsel for the State as well as NHAI.

Learned counsel for the petitioner submits that NHAI has issued two notifications. In the earlier notification the nature of land with respect to the petitioner has been shown to be commercial but in the subsequent notification the nature of land has been shown as agriculture which they have done wrongly. The compensation rate has not been changed and it has been treated to be agriculture land whereas it is



commercial land.

Under NHAI Act, 1956, the entire procedure has been described under Section 3 G for determination of amount payable as compensation, in the event of dispute the matter may be referred to the Arbitrator.

Learned counsel for the petitioner submits that petitioner should be allowed to file representation before the District Land Acquisition Officer, Patna who will see the nature of land.

One thing is very clear that the Land Acquisition Officer can not be said to be an Arbitrator but he will consider the objection of the petitioner and take decision in consideration of Section 3 G of the NHAI Act. The whole process should be completed within a period of three weeks from the date of filing of the representation.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

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