

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14208 of 2018

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1. Nand Kishor Sharma Son of Late Ram Barat Sharma
 2. Mahesh Sharma Son of Late Ram Prasad Singh
 3. Uday Narayan Sharma Son of Late Rakshiya Singh All resident of Village - Pali, P.S. - Belaganj, District - Gaya.

... .. Petitioners

Versus

1. The Union of India.
2. The Union of India through the Director National Highway Authority, New Delhi.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Collector, Gaya.
5. The Land Acquisition Officer cum Competent Authority National Highway, Gaya.
6. The Additional Collector cum Arbitrator National Highway, Gaya.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. Rakesh Kumar Shrivastava, A.C. to G.P.15
For the N.H.A.I.	:	Mr. S.N. Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 14-12-2018 Heard both sides.

The petitioners have filed this writ petition for the following reliefs:-

“That this is an application for issuance of an appropriate writ/writs, order/orders direction/directions to the respondent authorities to make compensation amount at the rate of prevailing market value/market rate of commercial land for the lands of the petitioners which have been acquired for widening of NH-83 (National Highway 83) in accordance with the present policy of the government (i.e. to say in accordance



with the law) in respect of the payment of compensation amount for acquisition of land as the compensation amount which is being given or proposed to be given to the petitioners is very low in view of the present position of the land and is even lesser than the amount which is being paid to the land holders of different places/villages in respect of similarly placed lands, though there is no difference between the lands belonging to the petitioners and the land of other villages. The petitioners further pray for any other relief(s) for which they may be found entitled in the facts and circumstances of the present case.”

Learned counsel for the petitioners submits that the land of the petitioners was acquired for widening of NH-83 and for that a gazette notification was issued on 25.10.2010. Plot No.372, 308 and 18 of Khata No.46, 35 and 18, measuring an area 0.057 Acre, 0.062 Acre and 0.146 Acre respectively situated in Village Pali, Block Belaganj, District Gaya belongs to petitioner no.1. Plot No.571, Khata No.89, Area 5.2 decimals stands recorded in the name of father of petitioner no.3, namely, Rakshya Singh. It is further submitted that the petitioners filed objection before the competent authority about the rate of the land and the National Highway authority under Section 3-G(5) of the National Highways Act, 1956. The Arbitrator appointed



by the Central Government disposed of the objections of the petitioners under Sub-Clause (5) of Section 3-G of the Act.

If the petitioners are aggrieved by the order of the Arbitrator, the petitioners may raise objection under Section 3-H (4) of the Act so that the Arbitrator may refer the matter to the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

Since the petitioners are aggrieved with the payment of rate of compensation, I dispose of this writ petition with a direction to the petitioners to present a petition before the authority who shall refer the matter to the competent civil court for decision in accordance with law.

With the aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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