

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2067 of 2019

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Suresh Prasad Singh S/o Late Late Dev Kumar Singh Resident of Village-
Dhakhingaon, P.S.-Wazirganj, District-Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through Principal Secretary Department of Revenue and Land Reforms, Bihar, Patna
2. The Principal Secretary Department of Revenue and Land Reforms, Bihar Patna
3. The District Magistrate Gaya
4. The District Land Acquisition Officer, Gaya
5. The General Manager National Highway Authority Gaya
6. The Additional Collector-Cum-Arbitrator National Highway, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the Respondent/s	:	Mr.Md.Khurshid Alam (AAG12)
For the NHAI	:	Mr.S. N. Pathak, SC NHAI

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 28-11-2019 Heard both sides.

The petitioner has filed this writ petition to quash Memo No. 109 dated 04.08.2018 (Annexure-4) issued by the Additional Collector-cum- Arbitrator, respondent No.6, whereby the Arbitrator refused to interfere with the compensation amount fixed by the District Land Acquisition Officer, Gaya in Arbitration Case No. R.A. 151/2017-18 without considering the grounds taken by the petitioner.

The learned counsel for the petitioner assailed the award on the ground that the Additional Collector became *coram non judice* on the date he passed the award in Arbitration Case No. R.A. 151/2017-18.

Admittedly, the Department of Surface Transport and Highways issued circular under section 3G (5) of the N.H.A.I.



Act, 1956 and appointed the Additional Collector of the district to be Arbitrator but again another notification was issued on 21.06.2018 by the Ministry of Surface Transport and Highways by which Divisional Commissioners of the Divisions have been appointed as Arbitrator within their jurisdiction to decide the amount of compensation if the land owner raises any objection with regard to rate of compensation before the Land Acquisition Authority. Now the Land Acquisition Authority is the District Magistrate. The Notification dated 21.06.2018 was communicated to the Additional Collector on 18.07.2018 but the Additional Collector, Gaya did not transmit the reference records pending before him to the Divisional Commissioner appointed as Arbitrator and passed the award dated 04.08.2018. The Additional Collector became *functus officio* and he is not authorized to pass the award on 04.08.2018.

Thus, I find that the award contained in memo No. 109 dated 04.08.2018 (Annexure-4) passed by the Additional Collector- cum- Arbitrator, Gaya is without jurisdiction and the same is set aside. The Arbitration Case No. R.A. 151/2017-18 is referred to the Divisional Commissioner, Gaya to decide the matter afresh in accordance with law. This writ petition is, accordingly, allowed.

(Prabhat Kumar Jha, J)

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