

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4322 of 2019

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Sikandar Kumar Fuleshwar Thakur, resident of Sonbarsa, Saharsa, Sonbarsha Raj, District-Saharsa,Bihar-852129

... .. Petitioner

Versus

1. The State of Bihar through Collector, Saharsa
2. Circle officer, Sonbarsha, Saharsa Bihar
3. District Land Acquisition Officer, Saharsa Bihar
4. National Highway Authority of India through Chief Engineer, NH-107, Patna Bihar
5. National Highway Authority of India, NH-107, Saharsa Bihar

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. S. Arshad Alam, Advocate Mrs. Anjum Perveen, Advocate Mr. Abhishek Neel, Advocate
For the Respondent/s	:	Mr.Raj Kishore Ray (Gp18)
For the NHAI	:	Mr. S.N.Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-03-2019

The petitioner is seeking following relief: -

“i. To direct the Respondents to make the payment of the land according to the market price fixed by the government.

ii. To direct the Respondents after full verifications and after considering the objections the authority may be directed to make compensation of the land to the petitioners according to the new Land Acquisition Act, 2013.

iii. To direct the Respondents to make the payment to the petitioners according to the rate fixed for residential land situated near main road.

iv. To direct the Respondents to also make payment to the petitioner for the pucca residential house already constructed on their land.



v. To direct the Respondents to pay the compensation with statutory interest tot he petitioner with immediate effect.

vi. Any other order/orders, relief/reliefs for which the petitioners are entitled under the facts and circumstances of the case and under the law.”

It appears that the petitioner has approached the District Land Acquisition Officer, Saharsa, on 12.01.2019, raising his grievance.

Section 3-G of the National Highways Act, 1956, deals elaborately with the determination of amount payable as compensation. Sub-section (5) thereof postulates that if the amount determined by the competent authority under sub-section (1) and sub-section (2) is not acceptable to either of the parties, the amount shall, on application by either of the parties, be determined by the Arbitrator to be appointed by the Central Government. It has been stated at the Bar that the Divisional Commissioner of the concerned Division has been notified as the Arbitrator by the Central Government.

The petitioner shall be at liberty to apply before the Divisional Commissioner invoking Section 3-G(5) of the Act raising the grievance as is being raised in the present writ application.

This writ application is accordingly disposed of.



It goes without saying that the petitioner's case
before the Arbitrator should be expeditiously decided.

(Chakradhari Sharan Singh, J)

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