

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4766 of 2019

1. Nand Kishor Bind @ Nanhak Bind, Son of Late Khedu Bind
2. Gorakh Bind @ Kishore Bind, Son of Khedu Bind
3. Deomuni Bind @ Deomuni Prasad, Son of Late Khedu Bind Radhika Raman Tiwari, Son of Late Satyanarayan Tiwari
All are residents of Village- Chilbili, P.S.-Kudra, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Revenue and Land Reforms, Old Secretariat, Patna
2. The Director, Land Acquisition, Directorate of Land Acquisition, Ministry of Revenue and Land Reforms, Government of Bihar, Patna
3. The Collector, Kaimur at Bhabua
4. The Competent Authority-Cum-District Land Acquisition Officer, Kaimur at Bhabua.
5. Kamla Kuer, Wife of Late Jhuri Kuer, Resident of Village- Chilbili, P.S.-Kudra, P.O.-Kudra, District-Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey
For the Respondent/s : Mr. Mukul Prasad, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-03-2019 Heard learned Counsel for the parties concerned.

The petitioners are aggrieved by an order, dated 18.01.2018, passed by the Competent Authority -cum- District Land Acquisition Officer, Kaimur (Bhabhua), whereby compensation has been ordered to be paid on the basis of award prepared in favour of respondent no. 5.

It is the case of the petitioners that they also have share in the land, which has been acquired and, therefore, they



are also entitled to proportionate compensation in accordance with their shares.

In my view, the petitioners have remedy under Section 3G(5) of The National Highways Act, 1956 (hereinafter referred to as 'the Act'). It is the petitioners' case that pursuant to public notice, the petitioners had filed their claim, but without looking into their claims properly, the impugned order has been passed by the District Land Acquisition Officer. In my view, however, the petitioners have remedy under Section 3G(5) of the Act, which they may avail.

This application is disposed of with a liberty to the petitioners to raise their grievance in accordance with the provisions under Section 3G(5) of the Act. If they do so, the Court expects that the Arbitrator shall consider their claim expeditiously.

(Chakradhari Sharan Singh, J.)

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