

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13226 of 2019

1. Suhail Alam son of late Yakoob Rayeen resident of Mauza and Anchal-Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.
2. Mohammad Riyazuddin son of late Yakoob Rayeen resident of Mauza and Anchal- Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.
3. Sherajuddin Rayeen son of late Yakoob Rayeen resident of Mauza and Anchal- Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.
4. Sahil Hussain son of late Yakoob Rayeen resident of Mauza and Anchal-Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.
5. Pinky Khatoon daughter of Late Yakoob Rayeen resident of Mauza and Anchal- Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.
6. Rani Khatoon daughter of Late Yakoob Rayeen resident of Mauza and Anchal- Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.
7. Juhi Afrin daughter of late Yakoob Rayeen resident of Mauza and Anchal-Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.
8. Gulshan Khatoon wife of Late Yakoob Rayeen resident of Mauza and Anchal- Sheosagar, Thana- Sheosagar, Thana no.- 372, District- Rohtas (Sasaram), Pincode- 821111.

... .. Petitioner/s

Versus

1. National Highway Authority of India India.
2. Project Director National Highway Authority of India, D.I.G. Colony Varanasi, Uttar Pradesh.
3. The Competent Authority under N.H.-2 Act cum District land Acquisition Officer, Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Achhaibar Singh
For the NHAI	:	Mr. Nath Pathak

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-07-2019

The landed property of the petitioners is said to have



been acquired for the purpose of widening of NH-2. According to the petitioners, determination of the amount of compensation is not adequate.

This is to be noted that Section 3-G(5) of the National Highways Act, 1956 (for short 'the Act') stipulates that if the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

There is no clue as to whether the petitioners took recourse to the provision of the said sub-section (5) of Section 3-G of the Act. The land was admittedly acquired before 2016 and notice was issued to one of the petitioners for receiving the amount of compensation in 2016. There is no justification given in the writ application as to why the petitioners are approaching this Court after so much delay.

This writ application is accordingly disposed of with the only observation that if the petitioners can maintain their claims under sub-section (5) of Section 3-G of the Act, they may do so.

Since I have not gone into the merits of the claims of



the petitioners, the Authority/Arbitrator shall be at liberty to
decide the petitioners' claim expeditiously, in accordance with
law.

(Chakradhari Sharan Singh, J)

HR/-

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