

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18216 of 2019

1. Ranjit Kumar @ Ranjit Kumar Yadav @ Ranjit Yadav
2. Naresh Kumar Yadav @ Naresh Yadav
Both sons of Late Triveni Yadav Resident of Village- Bank, P.S. Jamalpur,
District- Munger.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and Highways,
Department, New Delhi.
2. The Chairman National Highways Department, G-5&6, Sector-10, Dwarika,
New Delhi.
3. The Secretary, Directorate of Land Acquisition, Patna (Bihar).
4. The Collector, Munger, District- Munger.
5. The Land Reforms Development Commissioner, Munger.
6. The District Land acquisition Officer, Munger.
7. The Circle Officer, Jamalpur, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-09-2019 Heard Mr. Manohar Prasad Singh, learned counsel for

the petitioner, Mr. S.N.Pathak, learned counsel appearing on

behalf of N.H.A.I. and Mr. W.A.Khan, learned A.C. to S.C.25

for the State.

The petitioners filed this petition for a direction to the

National Highway Authorities to pay suitable compensation to

the petitioners for acquisition of their land measuring an area of

50.92 decimals of Khata No.165, Survey Plot No.400 situated in

Mauja Banoudha, District-Munger.



These are the admitted facts that on the request of the National Highway Authority for construction and widening of N.H. 333(Rail-cum-Road), notification under Section 3 of the National Highway Act, 1956 was published. The petitioners did not file any objection for acquisition of their land. Accordingly, the authority proceeded for determination of amount of compensation under Section 3G of the Act but the petitioners are not satisfied with the amount of compensation fixed by the Land Acquisition Authority and thus, petitioners filed this writ petition but it appears from perusal of the provisions as contained in Section 3G(5) which says as follows:

“(5) 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.”

Mr. Manohar Prasad Singh, learned counsel for the petitioners submits that petitioners filed petition before the Commissioner, Munger Division but the petitioners were not noticed and the same is pending before the Commissioner.

Mr. S.N.Pathak, learned counsel for the National Highway Authority submits that after determination of amount of compensation under Section 3G(1) and (2) and if the land



holder is not satisfied with the amount of compensation, land holder is required to file case before the Arbitrator. The Central Government has already appointed every Divisional Commissioner of the Division for determination of the compensation amount but Annexure-3 as pointed out by the learned counsel for the petitioners has not been filed in prescribed form against the award prepared by the Land Acquisition Authority.

Having considered the submission of both sides and on perusal of sub-section(5) of Section 3G of National Highway Authority Act, it is evident that the Land Acquisition Authority is vested with the power to determine the amount of compensation and if either party is aggrieved by the amount of compensation fixed by the Land Acquisition Authority, the same shall be decided by the Arbitrator appointed under the provision of the Act. The Divisional Commissioner has been appointed as Arbitrator to decide the dispute and fix the appropriate compensation to be paid to the land owners.

In this view of the fact, I dispose of this writ petition with a direction to the petitioners to present the petition in prescribed form before the Arbitrator and on such, Divisional Commissioner shall hear the petitioners and the authority of the



National Highway and decide the amount of compensation payable to the land owners in accordance with law within six months from the date of receipt of this order.

With this observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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