

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19040 of 2019

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Krishan Chandra Mahto Son of Rajendra Mahto, resident of Village Potgah,
P.S. and P.O.- Harlakhi, Circle- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The Union of India through the Minister of Road Transport, national High Way Government of India, Transport Bhawan, New Delhi.
2. The State of Bihar through the Principal Secretary Road Construction Department Government of Bihar, Patna.
3. The Chief Engineer National High way, Sub-Division Road Construction Department, Government of Bihar, Patna.
4. The Under Secretary cum Director Land Acquisition Department, Government of Bihar, Patna.
5. The Divisional Commissioner, Darbhanga Division, Darbhanga.
6. The Collector, Madhubani, District- Madhubani.
7. The Additional Collector, Land Reforms, Madhubani, District- Madhubani.
8. The Land Acquisition Officer, Madhubani, District- Madhubani.
9. The Circle Officer, Harlakhi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Jha
For the State	:	Mr. Ravi Bhardwaj
for the respondent No.1	:	Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2019 Heard both sides.

Admittedly, the land of the petitioner was acquired for construction/ widening of National Highway-104 and for the acquisition of land the amount of compensation was fixed at Rs. 5,89,358/-. The petitioner, being aggrieved by the compensation amount, filed petition before the Arbitrator, the Additional Collector, but the Additional Collector by Annexure-7 disposed



of the petition of the petitioner stating therein that by letter No. 811/ Revenue/ dated 23.07.2018 the Divisional Commissioner has been appointed as Arbitrator.

In view of the provision as contained in Section 3 G (5) of the NHAI Act, 1956 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.

Now the Central Government vide letter No. 811/ Revenue/ dated 23.07.2018 appointed the Divisional Commissioner as Arbitrator under the Act but under wrong notion the petitioner filed petition before the Additional Collector, Madhubani but the Additional Collector disposed of the petition of the petitioner holding that now the Arbitrator has been appointed.

In this view of the fact, the learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to the petitioner to file petition before the Divisional Commissioner for determining the amount of compensation or nature of the land of the petitioner acquired for construction/ widening of N.H. 104.



The learned counsel for the NHAI and the learned counsel for the State did not have any objection if any such petition is filed before the appropriate authority.

Having considered the facts, this writ petition is disposed of as withdrawn with a liberty to the petitioner to present the application before the appropriate authority, that is, the Divisional Commissioner, the Arbitrator under the Act, within one month.

(Prabhat Kumar Jha, J)

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