

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10919 of 2019

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M/s Touch Stone Finances Leasing And Investment Ltd. having its Registered office at 426/437 (Renaissance Building), A.P. Colony, P.S.- Rampur, District- Gaya through its Director Sanjay Sahay Son of Late Dayanand Sahay, aged about 58 years, Male, Resident of 84/425, Anugrahpuri Colony, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The National Highway Authority of India under the ministry of Road Transport and Highways, Govt. of India, New Delhi.
3. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms (Land Acquisition Directorate), Bihar.
4. The Collector, Gaya.
5. The Competent Authority cum District Land Acquisition Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Senior Advocate. Mr. Rajesh Ranjan, Advocate.
For the Respondent/s	:	Dr. K.N.Singh, A.S.G. Mr. S. D. Sanjay, Senior Advocate Mr. Mukul Prasad, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-09-2020

Petitioner has prayed for the following reliefs:-

- “a. For issuance of a writ in the nature of certiorari for quashing of the recommendation of 2nd six members committee as contained in its report dated 28/01/19 whereby and whereunder the committee has recommended for payment of compensation to the petitioner at the rate of



Rs.515401.00 per decimal without any basis and in complete violation of the provisions of RFCTLARR Act, 2013, the direction of the Central Govt. as contained in letter dated 26/10/15 and of the Govt. of Bihar as contained in the letter dt. 26.05.2016 whereby it has been directed that the compensation to be paid in accordance with the MVR of the land prevalent on 01/01/14.

- b. For issuance of a writ in the nature of mandamus commanding the respondents to pay the compensation to the petitioner company as per the MVR of the land prevalent on 01/01/14 along with due interest.
- c. For any other relief/reliefs which may be deemed fit and proper by this Hon'ble Court.”

Essentially, petitioner is aggrieved by the order dated 05.02.2016 (Annexure-3 to the writ petition) passed by the competent authority determining compensation for the land which stands acquired for construction of public purpose, namely Patna-Gaya-Dobhi Road (N.H.83).

It is not in dispute that the possession of the land already stands handed over to the National Highways Authority of India for construction of the road.



The challenge to the impugned order is two fold- (a) The determination of compensation has been made without appreciation of material on record; and (b) in any event, there is mis-application of the provisions of law inasmuch as the petitioner was entitled to compensation not under the provisions of the National Highways Authority Act, 1956 (hereinafter referred to as 'the Act'), but the common law of the land.

Since the main grievance of the petitioner is with regard to determination of compensation which has to be just, fair and reasonable, we are of the considered view that the Act itself provides for the statutory remedy for the petitioner to take recourse to. By virtue of Section 3G of the Act, petitioner has statutory right to prefer an appeal for adjudication of all issues, factual in nature, before the Arbitrator under the Act.

As such, on this short ground alone, we dispose of the present petition in the following terms:-

- (a) It shall be open for the petitioner to take recourse to proceedings under the provisions of the Act within a period of four weeks from today.
- (b) Shri S. D. Sanjay, learned Senior Counsel states that if the petitioner were to take recourse to such remedy,



issue of limitation shall neither be raised nor come in the way of the petitioner.

(c) As and when the appeal is filed, the same shall be considered and decided by the Arbitrator on merits expeditiously, in accordance with law.

(d) Since the matter pertains to the year 2014, such proceedings be expeditiously concluded within a period of six months.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.09.2020
Transmission Date	

