

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2781 of 2017

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Ashok Saw Son of Sri Lal Muni Saw, Resident of Village-Ore, P.S.-Belaganj,
District-Gaya.

... .. Petitioner/s

Versus

1. The Union Of India through Director, National Highway Authority, New Delhi.
2. The Project Manager, National Highway Authority Implemented Unit, Gaya Bihar
3. The Collector, Gaya.
4. The District Land Acquisition Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Sharma, Adv.
For the Respondent/s : Mr.Sajid Salim Khan-SC25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 29-09-2020 Heard Mr. Nagendra Sharma, learned counsel for the petitioner, Mr. Sajid Salim Khan, learned S.C.25 and Mr. Anshay Bahadur Mathur, learned counsel for the N.H.A.I. through video conferencing.

The petitioner in this writ petition seeks direction to the respondents-Land Acquisition Authorities and the Authority of N.H.A.I. to pay the entire award amount to the petitioner for the acquisition of his land.

Admittedly, the land of the petitioner of Khata No.66 Plot No.419, Thana Mauza No.409, area 1 ³/₄ decimal situated at Ore, Belaganj was acquired for the extension and widening of N.H.83. The notification was issued on 17.07.2011. The notice



was issued to the petitioner for receiving Rs.37,00,645/- on 16.05.2016(Annexure-2) but without hearing the petitioner, the amount of compensation fixed to Rs.37,00,645/- was reduced to Rs.20,34,749/-.

The respondent Nos.1 and 2 filed counter-affidavit but did not reply on the point whether the amount of compensation as mentioned in the notice(Annexure-2 of the writ petition) has been reduced without giving notice to the petitioner. Learned counsel for the respondents submits that now award has been prepared and petitioner has got opportunity to file statutory appeal under Section 3G of N.H.A.I. Act.

It is admitted fact that land of the petitioner was acquired and the award of Rs.37,00,645/- was prepared. The petitioner was noticed vide Annexure-2 to appear on 24.05.2016 with all the relevant documents showing the ownership and possession of the land so that the amount of compensation with interest may be paid to the petitioner but it appears that when the petitioner appeared before the authority for receiving the amount of compensation, the amount of compensation to be assessed vide Annexure-2 was reduced to Rs.20,34,749/-. No notice was issued to the petitioner that any discrepancy or illegality was committed in preparing the award and, therefore, I



find that the order reducing the amount of award from Rs.37,00,645/- to Rs.20,34,749/- without hearing the petitioner is illegal and not sustainable. Accordingly, I direct the respondents-the Land Acquisition Authorities to hear the petitioner before reducing the amount of award earlier fixed to Rs.37,00,645/- to Rs.20,34,749/- and pass order in accordance with law.

With the aforesaid direction, this writ petition is allowed and the matter is remitted to the Land Acquisition Authorities to decide the case afresh in accordance with law.

(Prabhat Kumar Jha, J)

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