

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22707 of 2018

Chandradev Narayan Singh S/o Late Hirday Narayan Singh Resident of
Village-Dhakhingaon,P.S. wazirganj,Distt.-Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary Department of Revenue and Land Reforms,Bihar,Patna
3. The District Magistrate,Gaya
4. The District Land Acquisition Officer,Gaya
5. The General Manager National Highway Authority,Gaya
6. The Addional Collector-cum-Arbitrator National Highway,Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the Respondent/s	:	Mr.Sajid Salim Khan-SC 25
	:	Mr.Arif Daula Siddiqui AC to SC 25
For N.H.A.I	:	Mr.Shri Nath Pathak
	:	Mr.Saurav Nikunj
	:	Mr.Ashish

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-04-2021 The petitioner has questioned the correctness of an order dated 04.08.2018 passed by the Additional Collector-cum-Arbitrator, Gaya whereby he has refused to interfere with the compensation amount fixed by the District Land Acquisition Officer, Gaya in Arbitration Case No. R.A. 25/2016-17.

There appears to be no dispute that before issuance of the said order dated 04.08.2018, the Department Of Surface Transport And Highways had come out with a notification authorizing the Divisional Commissioner of respective



Divisions to function and pass the award as an Arbitrator in place of Additional Collector of the District which was earlier notified for the said purpose.

Learned counsel appearing on behalf of the petitioner and learned counsel representing the respondents have drawn my attention to orders passed by this Court dated 28.11.2019 passed in C.W.J.C. No. 2067 of 2019 and 26.03.2021 passed in C.W.J.C. No. 20642 of 2018 whereby in similar circumstance similar orders have been interfered by this Court on the ground of lack of jurisdiction of the Additional Collector to act as an Arbitrator.

Considering the admitted position, as noted above, the impugned order is set aside with a direction that let the Arbitrator within the meaning of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 pass an order afresh on the application which has already been filed by the petitioner.

This application is accordingly allowed.

(Chakradhari Sharan Singh, J)

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