

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.521 of 2022

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Nand Navin Kumar Son of Late Nand Mohan Sharma Resident of Village-
Serthua, P.S.- Parsabigaha, Anchal- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The D.M.-cum-Collector, Jehanabad.
3. The District Land Acquisition Officer, Jehanabad.
4. Sub-Divisional Public Grievance Redressal Officer, Jehanabad.
5. Sub-Divisional Officer, Jehanabad, District Jehanabad.
6. Circle Officer, Kako, District- Jehanabad.
7. National Highway Authority of India, through its Secretary, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 560 of 2022

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Sonu Kumar son of late Nand Mohan Sharma resident of Village- Serthua,
P.S.- Parsabigaha, Anchal- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The D.M.-cum- Collector, Jehanabad.
3. The District Land Acquisition Officer, Jehanabad.
4. Sub- Divisional Public Grievance Redressal Officer, Jehanabad.
5. Sub- Divisional Officer, Jehanabad, District- Jehanabad.
6. Circle Officer, Kako, District- Jehanabad.
7. National Highway Authority of India, through its Project Director, (NH- 83),
Gaya Unit, Gaya.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 521 of 2022)

For the Petitioner/s : Mr. Rajiv Ranjan

For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

(In Civil Writ Jurisdiction Case No. 560 of 2022)

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

Ms. Prakritita Sharma, AC to SC-25



For the N.H.A.I.

: Mr. S.N.Pathak, Adv.

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 31-03-2022

The case is being taken up from defect side.

Learned counsel for the petitioners is directed to submit the original petition along with attested affidavits and also remove the defects pointed out by the Registry within two weeks from today.

Learned counsel for the petitioners submits that the petitioners have not been given proper compensation regarding the land acquired by the National Highway Authority of India for construction of 4/6 lane of NH -83.

Learned counsel appearing for the N.H.A.I. has raised the preliminary objection pointed out that under Section 3-G (5) of the Act of 1956, the petitioners would have statutory remedy to raise objection regarding the amount of compensation and if such an objection is raised the central government is required to appoint arbitrator, who would examine the dispute and pass award in terms of 1996. The petitioners would have further remedy of challenging the said award under Section 34, if he so aggrieved.

Keeping in view thereto, learned counsel for the petitioners submits that the writ petition would not be



maintainable at this stage.

I have considered the submissions.

Having noticed the provision under Section 3-G(5) is
as under:-

“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.”

Keeping in view, this Court is satisfied that the statutory or alternate remedy is available to the petitioners for raising the dispute regarding the adequacy of the compensation awarded to them.

Leaving it open for the petitioners to avail the remedy as provided hereinabove, the writ petition is dismissed on the ground of alternate Statutory Remedy under Section 3G(5) of the N.H.A.I. Act, 1956.

(Sanjeev Prakash Sharma, J)

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