

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.907 of 2022

Md. Mumtaj Mir, aged about 48 years, Gender-Male Son of Late Md. Alijam Mir, Resident of Village - Jehanabad, Police Station- Kudra, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principle Secretary, Department of Land Reforms, Govt. of Bihar, Patna.
3. The Collector, Kaimur at Bhabua.
4. The Competent Authority-cum-District Land Acquisition Officer, Kaimur (Bhabua).
5. The Circle Officer, Kudra, Kaimur.
6. The National Highway Authority of India through Project Implementation Unit, Kaimur (Bhabua).
7. The Project Director, National Highway Authority of India, Kaimur (Bhabua).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shyam Bihari Singh, Advocate
For the Respondent/s	:	Ms. Nutan Sahay, Advocate
For the NHAI	:	Mr. S. N. Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 31-03-2022 Heard the parties.

In the writ petition, the petitioner has prayed as
under:-

“ That this is an application for issuance of a writ in the nature of Mandamus commanding and directing the authorities to declare the nature of the land of the petitioner appertaining to Khata No. 25, Plot no. 397, Area-344 m², situated in Mauza-Jehanabad. Than no. 657, P.S. Kudra, District- Kaimur (Bhabua) as Residential-cum-commercial land inspite of agricultural land which has



been acquired by the National Highway Authority of India (in short 'NHAI') for six lane widening of NH-2, for which compensation was given to the petitioner on agricultural rate in terms of the provisions of the Right to fair compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 and the petitioner also further prays for issuance of appropriate writ/order/direction(s) to which he may be found legally entitled to facts and circumstances stated hereinafter.”

Admittedly, the remedy lies in filling of an application before Arbitrator in terms of Section 3 G (5) of the Act, 1956, if a person aggrieved on the adequacy of compensation or otherwise.

Keeping in view the provisions under Section 3 G (5) of the Act of 1956, this Court deem it appropriate to allow the petitioner to approach the concerned Commissioner, who acts as an Arbitrator for matters relating to NHAI, for claiming the interest amount or any additional amount if he may choose.

Considering the aforesaid the writ petition is dismissed with the liberty aforesaid.

(Sanjeev Prakash Sharma, J)

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