

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9327 of 2020

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Dhanik Lal Mandali @ Matrumal Dhannalal son of Dwarika Prasad, resident of village- Nokha, Police Station- Nokha, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Land Revenue, Government of Bihar, Patna
2. The District Magistrate, Bhojpur at Ara
3. The Competent Authority cum District Land Acquisition Officer, Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC-25,
Mr. Wasi Ahmad Kha, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 12-05-2022

Heard the parties.

The case is being taken up from defect side.

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

Admittedly, Section 3-G (5) of the National Highway Act of 1956 reads 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.”

Section 3-G (6):- “Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.”

Considering the aforesaid provision, the prayer made by the petitioner for enhancing the compensation as awarded for acquisition of the land for National Highway to be on the lower side can be best examined by the competent authority and thereafter through arbitration. If such an application is moved by the petitioner, the same shall be entertained and the order shall be passed expeditiously.

With the aforesaid observation, this writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 33

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