

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13937 of 2015

=====

Dwarika Singh son of Late Pragash Singh resident of village Jasoiya, P.S. and District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Aurangabad.
3. The Additional Collector cum Arbitrator, Aurangabad.
4. The Deputy Collector Land Reform, cum the competent authority, Aurangabad.
5. The Chief General Manager National High Way II, Aurangabad.
6. The Project Director, P.I.U., N.H.A.I., Varanasi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Adv.
		Mr. Vyas Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Ram Balak Mahto, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 21-12-2022

1. Heard the parties.

2. Admittedly, it would be relevant to quote sections of the National Highway Act of 1956 as under:-

“Section 3-G (5)- 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.”

3. 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.

4. In view of the provisions contained in Section 3-G (5) of the National Highway Act, 1956 which provides for raising a dispute in relation to the re-determination of compensation before the arbitrator, allowing the petitioner to take up the said remedy under the said provision.

5. Accordingly, the writ petition is dismissed with aforesaid liberty.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 31

U			
---	--	--	--

