

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2905 of 2018**

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Alesh Kumar son of Late Ram Chandra Prasad Resident of Village  
Daniyawan, P.S. Daniyawan, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. District Land Acquisition Office-cum-Competent Authority, Patna.
5. National Highway Authority of India Ltd, Patna through its Project Manager.
6. The Project Manager, National Highway Authority of India Ltd., Patna, Sri Krishna Nagar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Subhash Chandra Yadav -Gp15

Mr. S.N. Pathak, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      10-02-2023                      The grievance of the petitioner is that the land of the petitioner was acquired by the the N.H.A.I. for the purposes of construction of N.H. 30-A but adequate compensation has not been paid inasmuch as the petitioner is entitled to be given compensation applicable for commercial principal road, but he has been given compensation on the basis of commercial main road,



whereas, the land of the petitioner comes under the commercial principal road.

Mr. S.N. Pathak, learned counsel appearing for the respondent / N.H.A.I. submits that as per Section 3G(5) of the National Highways Act, 1956 (for short the “N.H. Act”), “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”. He next submits that now the Central Government has notified the Divisional Commissioner of the concerned area as the Arbitrator under Section 3(G)(5) of the N.H. Act.

In view of the aforesaid provision, the petitioner is directed to file his claim for adequate compensation as per Section 3G(5) of the N.H. Act before the Arbitrator i.e. Divisional Commissioner, Patna within a period of four weeks from today. If such claim is filed within the aforesaid time, the learned Arbitrator shall decide the same in accordance with law after giving opportunity of hearing to all concerned and will pass a reasoned order within a



reasonable time frame.

With the aforesaid observation and direction, this writ application is disposed of.

**(Anil Kumar Sinha, J)**

praful/-

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