

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2483 of 2018

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Sangita Devi Wife of late Ganesh Prasad, Resident of Village-Sakarpura, P.S.-
Masaurhi, Dist.-Patna.

... .. Petitioner/s

Versus

1. The Union Of India
2. Project Director, the National Highway Authority of India at D-63
Krishnapuri Patna, P.S.-Krishnapu
3. The State of Bihar, through District Land Acquisition Officer, Patna.
4. The District Land- Acquisition Officer-cum-the Competent Authority, Under
the National Highway Act
5. District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nitya Nand Neeraj, Advocate.
For the Respondent/s	:	Md. Khurshid Alam- AAG-12 Smt. Nutan Sahay, AC to AAG-12
For NHAI	:	Mr. S.N. Pathak, SC Mr. Saurav Nikunj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2023 Heard learned counsel for the parties concerned.

The contention of the petitioner is that her land bearing Khata No. 12, Plot No. 419 situated at Mauza Sakarpura, P.S. Masaurhi, Distt. Patna has been acquired by the National Highways Authority of India (for short the “N.H.A.I”) but adequate compensation has not been given to the petitioner inasmuch as instead of giving compensation at commercial rate, the petitioner has been given compensation only treating her



land as a agricultural land.

On the other hand, Mr. S.N. Pathak, learned counsel appearing for the N.H.A.I. submits that as per the Section 3-G(5) of the National Highways Act, 1956 (hereinafter referred to as 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 Central Government”. He next submits that now the Central Government has notified Divisional Commissioner of the area as Arbitrator under the N.H. Act.

In view of the aforesaid, petitioner is directed to file her claim for enhancement of compensation amount as per Section 3-G(5) of the N.H. Act before the Arbitrator i.e. Divisional Commissioner, Patna, within a period of four weeks from today. If such a 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 period.



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

(Anil Kumar Sinha, J)

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