

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2531 of 2023

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1. Garib Das Son of Gulo Das, Resident of Ambedkar Nagar, Nawagarhi, P.S.-Naya Ram Nagar, Dist.-Munger.
 2. Dasrath Mandal Son of Jago Mandal Resident of Kantpur, Post-Nawagarhi, P.S.-Naya Ramnagar, Dist.-Munger.
 3. Ram Vilash Patel Son of Jago Mandal Resident of Kantpur, Post-Nawagarhi, P.S.-Naya Ramnagar, Dist.-Munger.
 4. Balram Mandal @ Balram Patel Son of Jago Mandal Resident of Kantpur, Post-Nawagarhi, P.S.-Naya Ramnagar, Dist.-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Govt. of Bihar.
2. National Highway Authority of India through its Chairman Ministry of Road transport and Highway Govt. of India, New Delhi.
3. National Highway authority of India through its General Manager.
4. The Distirct Magistrate, Munger.
5. The District Land Acquisition Officer, Munger.
6. Circle Officer, Sadar, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kishor, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan, (SC-25)
For the N.H.A.I.	:	Mr. Gaurav Govinda, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the N.H.A.I.

2. The present writ application has been filed for directing the respondent to determine the amount payable as compensation at the rate of Rs.91,000/- per decimal based on market rate and further to consider the objection.

3. Learned counsel for the petitioners submit that the grievances of the petitioners were already pending before the

Divisional Commissioner-cum-Arbitrator, Munger under Section 3G(5) of the National Highways Act, 1956, [48 of 1956] (hereinafter referred to as 'the Act of 1956').

4. Learned counsel for the petitioners further submit that during pendency of this writ petition, counter-affidavit has come, by which it transpires that the Divisional Commissioner-cum-Arbitrator, Munger has decided this matter but grievances of the petitioners have not been settled.

5. Learned counsel for the N.H.A.I. submits that the competent authority under law has passed final order under Section 3G(5) of the Act of 1956.

6. In this background, further remedies are available to the petitioners by way of indication made in Section 3G(6) of the Act of 1956 according to which, they may avail their remedies under Section 34 of the Arbitration and Conciliation Act, 1996 [Act 26 of 1996].

7. As such, the present writ application is disposed off directing the petitioners to avail their remedies under the Arbitration and Conciliation Act, 1996 [Act 26 of 1996] as mentioned in Section 3G(6) of the Act of 1956.

(Dr. Anshuman, J.)

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