

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6451 of 2021

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Sanjiv Kumar Son of Late Binodanand Gupta, Resident of Village and P.O.
and P.S.-Ranipatra, District-Purnea-Pin-854337.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary National Highways Authority of India.
2. The State of Bihar, the Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
3. The Director Land Acquisition Department, Bihar, Patna.
4. The District Magistrate Cum Collector, District-Purnea.
5. National Highway Authority of India, N.H. 131 A, Purnea, Narayanpur Block, Purnea.
6. The Additional Deputy Collector, Purnea, District-Purnea.
7. The Land Acquisition Officer, Purnea, District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Ravi Shankar
For the Respondent/s : Mr. S.N. Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-01-2023 The contention of the petitioner is that his land bearing Touji No. 8/5, Khata No. 324, Plot No. 2954, Mouja- Chandi, Thana No. - 105 has been acquired by the National Highways Authority of India (for short the “N.H.A.I.”) but adequate compensation has not been granted to the petitioner inasmuch instead of giving compensation at commercial rate, the petitioner has been given compensation only treating his land as a residential land.

Learned counsel for the petitioner submits that



compensation of the subject land acquired by the N.H.A.I. is not adequate and for enhancement of the same the petitioner has filed petition before the District Land Acquisition Officer, Purnea.

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 his claim for enhancement of compensation amount as per Section 3-G(5) of the N.H. Act before the Arbitrator i.e. Divisional Commissioner, Purnea 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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