

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4087 of 2023

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Akhilesh Kumar Singh S/o Late Lakhan Singh, R/o Village Bharat Pur
Singhara, P.S. - Mahua, Dist. - Vaishali. Petitioner/s

Versus

- 1. The Chairman, National Highway Authority of India New Delhi.
- 2. The State of Bihar through the Revenue Secretary, Govt. of Bihar, Patna.
- 3. The District Magistrate, Vaishali.
- 4. The Land Acquisition Officer, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18
	:	Mr. Mukul Prasad, AC to GP-18
	:	Mr. Ramesh Gupta, Adv.
For the NHAI	:	Mr. Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-08-2023 Counsel for the petitioner, counsel for the NHAI and
counsel for the State are present.

2. The counter-affidavit filed by the counsel for the
NHAI is directed to be accepted.

3. Counsel for the petitioner has filed this writ petition
for directing the respondent to pay the compensation of
petitioner's acquired land treating it homestead. Petitioner's
grievance is that the adjacent land has been acquired treating it
as homestead land but his land was not considered under the
category of homestead land.

4. Counsel for the petitioner submits that petitioner
has received the compensation for his land with objection and
filed this present writ petition with a view to enhance the
compensation amount by treating his land as homestead land.

5. Counsel for the State submits that the acquisition of the land has been made for the purpose of construction of National Highway, which is guided by the National Highways Act, 1956 [Act No. 48 of 1956]. He further submits that Section 3 G(5) of the National Highways Act, 1956 [Act No. 48 of 1956] clearly states that for any of grievance on the price of compensation of land, the remedy lies under the said section before the Arbitrator-cum-Divisional Commissioner, as he is the arbitrator under the law.

6. In this background, the petitioner is directed to file his application for all his grievances that he has raised here, before the Arbitrator-cum-Divisional Commissioner under Section 3 G(5) of the National Highways Act, 1956 [Act No. 48 of 1956] within four weeks from today.

7. The Arbitrator-cum-Divisional Commissioner is directed to dispose off the application of the petitioner at the earliest.

8. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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