

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6215 of 2016

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Alok Kumar Son of Late Raghaw Sharan Singh Resident of Village- Minapur,
Post- Patni, P.S.- Ramgarhwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Revenue,
Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran, Motihari.
4. The District Land Acquisition Officer, East Champaran.
5. The Circle Officer, Ramgarhwa, East Champaran, Motihari.
6. NHAI (National Highway Authority of India)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
For the Respondent/s	:	Ms. Archana Munakshee, Advocate
		Mr. Prabhat Ranjan, G.P.6

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 27-02-2023 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the NHAI (respondent no.
6).

The petitioner has filed the instant application for the
following reliefs:

*“ (i) For issuance of a writ in the nature of
mandamus directing the concerned respondent to
pay the compensation to the petitioner for the
land acquired as described in Para-4 of the writ
application at par with the adjoining land and
not to discriminate in the matter of payment of
compensation by treating it as commercial land*



(ii) For directing the concerned respondent authorities to consider the representation of the petitioner and make the payment in the light of the valuation certificate of the Circle Officer, Ramgarhwa.

(iii) For directing the respondent to pay the compensation alongwith interest for the acquisition of land at commercial rate and also for the loss caused to the business of the petitioner as well as due to destruction of the platform of the weigh bridge constructed at the cost of Rs.15 lakh.

(iv) For other necessary relief/reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

At the outset, it is submitted by the learned counsel appearing for the newly added respondent no. 6 that the petitioner has an alternative and efficacious remedy of filing an application under Section 3-G(5) of the National Highways Act 1956.

Section 3-G(5) of the National Highways Act, 1956 is reproduce hereinbelow:

“Section 3-G(5) 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.”



At this stage, it is submitted by learned counsel for the petitioner that as per instructions received an inordinate delay is taking place on applications being filed under the aforesaid provisions and some order be passed directing for earlier disposal of the case.

In case, the petitioner files an application in terms of Section 3-G(5) of the Act within a period of four weeks from today, the arbitrator shall proceed to decide the case at the earliest preferably within a period of six months.

It is clarified that this Court has not gone into the merits of the case of the parties.

In case, the application is filed in terms of the above provisions, the authority/ arbitrator concerned in considering the application for condonation of delay, if any, will take into consideration the period for which the instant case was being pursued by the petitioner before this Court.

The application stands disposed of with the observations aforesaid.

(Partha Sarthy, J)

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