

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5750 of 2019

1. Pramila Devi and Ors Wife of Shiv Parsan Singh R/o Village-Parasdiha, P.S.-Shivasagar, District-Rohtas
2. Shiv Parsan Singh Son of Late Baikunth Singh R/o Village-Parasdiha, P.S.-Shivasagar, District-Rohtas
3. Manoj Kumar Singh @ Manoj Kumar Son of Late Bashist Singh R/o Village-Marua, P.S.-Dinara, District-Rohtas
4. Jai Prakash Singh Son of Late Nand Kishore Singh R/o Village-Khairahi, P.S.-Kargahar, District-Rohtas
5. Sanjay Kumar Singh Son of Late Nand Kishore Singh R/o Village-Khairahi, P.S.-Kargahar, District-Rohtas

... .. Petitioner/s

Versus

1. The Union of India and Ors through the Secretary, Ministry of Road Transport and National Highway, New Delhi
2. The Administrator National Highway Authority of India, Govt. of India, New Delhi
3. The National Highway Authority of India Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director
4. The Project Director National Highway Authority, Sasaram
5. The District Magistrate Rohtas, Sasaram
6. The Six Men Committee headed by the Collector, Rohtas, Sasaram
7. The Deputy Development Commissioner Rohtas, Sasaram
8. The Additional Collector Rohtas, Sasaram
9. The Competent Authority-cum-District Land Acquisition Officer Rohtas, Sasaram
10. The District Additional Registrar Rohtas, Sasaram

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5908 of 2019

Sunil kumar Pandey S/o Chandra Dev Pandey Res. of Mohallah- Rauza Road Company Sarai P.S.- Sasaram, Distt.- Rahtas.

... .. Petitioner/s

Versus

1. The Union Of India Through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
4. The Project Director National Highway Authority, Sasaram

5. The District Magistrate Rohtas, Sasaram.
6. The Six Committee headed by the Collector Rohtas, Sasaram.
7. The Deputy Development Commissioner Rohtas, Sasaram.
8. The Additional Collector Rohtas, Sasaram.
9. The Competent Authority - Cum - District Land Acquisition Officer Rohtas, Sasaram.
10. The District Additional Registrar Rohtas, Sasaram.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 5930 of 2019

Sharda Devi Wife of Dinanath Singh Resident of Village-Mohania, P.S.-
Kargahar, District-Rohtas.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA AND ORS through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
4. The Project Director, National Highway Authority, Sasaram.
5. The District Magistrate, Rohtas, Sasaram.
6. The Six Men Committee headed by the Collector, Rohtas, Sasaram.
7. The Deputy Development Commissioner, Rohtas, Sasaram.
8. The Additional Collector, Rohtas, Sasaram.
9. The Competent Authority -Cum-District Land Acquisition Officer, Rohtas, Sasaram.
10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 7402 of 2019

1. Dina Nath Singh @ Dina Singh Son of Late Kishan Singh Resident of Village-Mahraniya, P.S.-Sasaram, District-Rohtas.
2. Harinarayan Singh Son of Late Kapur Singh Resident of Village-Mahraniya, P.S.-Sasaram, District-Rohtas.
3. Bagedan Pal Son of Late Mahgu Pal Resident of Village-Maharaniya, P.S.-Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director
4. The Project Director, National Highway Authority, Sasaram
5. The District Magistrate, Rohtas, Sasaram.
6. The Six Committee headed by the Collector, Rohtas, Sasaram.
7. The Deputy Development Commissioner, Rohtas, Sasaram.
8. The Additional Collector, Rohtas, Sasaram.
9. The Competent Authority-Cum District Land Acquisition Officer, Rohtas, Sasaram.
10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 7437 of 2019

1. Parmeshwar Singh Son of Late Ramjee Singh Resident of Mohallah-Khetari, P.S. - Arra, District - Bhojpur.
2. Mitu Lata Devi W/o Parmeshwar Singh Resident of Mohallah-Khetari, P.S. - Arra, District - Bhojpur.
3. Gulab Chand Patel S/o Sadhu Mahto, Resident of Mohallah-Ward No. 14, Karan Sarai, P.S. - Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
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5. The District Magistrate, Rohtas, Sasaram.
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7. The Deputy Development Commissioner, Rohtas, Sasaram.
8. The Additional Collector, Rohtas, Sasaram.
9. The Competent Authority - Cum District Land Acquisition Officer, Rohtas, Sasaram.

10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 7438 of 2019

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1. Ram Ekbal Singh Son of late Jagdish Singh Resident of Village- Tendua, P.S. Darigaon, District-Rohtas.
2. Chandrawati Devi Wife of Ram Ekbal Singh Resident of Village- Tendua, P.S. Darigaon, District-Rohtas.
3. Dhanwati Devi Wife of Lalan Singh Resident of Harey Krishan Colony, Company Saray, P.S. Sasaram, District- Rohtas.
4. Lalan Singh Son of late Gopal Singh Resident of Vilklage- Maharania, P.S. Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Hihgway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
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10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 7715 of 2019

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1. Pramila Devi Wife of Shiv Parsan Singh R/o Village-Parasdiha, P.S.- Shivasagar, District-Rohtas.
2. Shiv Parsan Singh Son of Late Baikunth Singh R/o Village-Parasdiha, P.S.- Shivasagar, District-Rohtas.
3. Manoj Kumar Singh @ Manoj Kumar Son of Late Bashist Singh R/o Village-Marua, P.S.-Dinara, District-Rohtas.
4. Jai Prakash Singh Son of Late Nand Kishore Singh R/o Village-Khairahi,

P.S.-Kargahar, District-Rohtas.

5. Sanjay Kumar Singh Son of Late Nand Kishore Singh R/o Village-Khairahi,
P.S.-Kargahar, District-Rohtas.

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1. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
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8. The Additional Collector Rohtas, Sasaram.
9. The Competent Authority-cum-District Land Acquisition Officer Rohtas, Sasaram.
10. The District Additional Registrar Rohtas, Sasaram.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5908 of 2019

Sunil kumar Pandey S/o Chandra Dev Pandey Res. of Mohallah- Rauza Road
Company Sarai P.S.- Sasaram, Distt.- Rahtas.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
4. The Project Director National Highway Authority, Sasaram
5. The District Magistrate Rohtas, Sasaram.
6. The Six Committee headed by the Collector Rohtas, Sasaram.
7. The Deputy Development Commissioner Rohtas, Sasaram.
8. The Additional Collector Rohtas, Sasaram.
9. The Competent Authority - Cum - District Land Acquisition Officer Rohtas, Sasaram.

10. The District Additional Registrar Rohtas, Sasaram.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5930 of 2019

Sharda Devi Wife of Dinanath Singh Resident of Village-Mohania, P.S.-
Kargahar, District-Rohtas.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
4. The Project Director, National Highway Authority, Sasaram.
5. The District Magistrate, Rohtas, Sasaram.
6. The Six Men Committee headed by the Collector, Rohtas, Sasaram.
7. The Deputy Development Commissioner, Rohtas, Sasaram.
8. The Additional Collector, Rohtas, Sasaram.
9. The Competent Authority -Cum-District Land Acquisition Officer, Rohtas, Sasaram.
10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7402 of 2019

1. Dina Nath Singh @ Dina Singh Son of Late Kishan Singh Resident of Village-Mahraniya, P.S.-Sasaram, District-Rohtas.
2. Harinarayan Singh Son of Late Kapur Singh Resident of Village-Mahraniya, P.S.-Sasaram, District-Rohtas.
3. Bagedan Pal Son of Late Mahgu Pal Resident of Village-Maharaniya, P.S.-Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director

4. The Project Director, National Highway Authority, Sasaram
 5. The District Magistrate, Rohtas, Sasaram.
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 7. The Deputy Development Commissioner, Rohtas, Sasaram.
 8. The Additional Collector, Rohtas, Sasaram.
 9. The Competent Authority-Cum District Land Acquisition Officer, Rohtas, Sasaram.
 10. The District Additional Registrar, Rohtas, Sasaram.
- Respondent/s

with
Civil Writ Jurisdiction Case No. 7437 of 2019

1. Parmeshwar Singh Son of Late Ramjee Singh Resident of Mohallah-Khetari, P.S. - Arra, District - Bhojpur.
 2. Mitu Lata Devi W/o Parmeshwar Singh Resident of Mohallah-Khetari, P.S. - Arra, District - Bhojpur.
 3. Gulab Chand Patel S/o Sadhu Mahto, Resident of Mohallah-Ward No. 14, Karan Sarai, P.S. - Sasaram, District - Rohtas.
- Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
 2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
 3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
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 8. The Additional Collector, Rohtas, Sasaram.
 9. The Competent Authority - Cum District Land Acquisition Officer, Rohtas, Sasaram.
 10. The District Additional Registrar, Rohtas, Sasaram.
- Respondent/s

with
Civil Writ Jurisdiction Case No. 7438 of 2019

1. Ram Ekbal Singh Son of late Jagdish Singh Resident of Village- Tendua, P.S. Darigaon, District-Rohtas.
2. Chandrawati Devi Wife of Ram Ekbal Singh Resident of Village- Tendua,

P.S. Darigaon, District-Rohtas.

3. Dhanwati Devi Wife of Lalan Singh Resident of Harey Krishan Colony, Company Saray, P.S. Sasaram, District- Rohtas.
4. Lalan Singh Son of late Gopal Singh Resident of Vilklage- Maharania, P.S. Sasaram, District- Rohtas.

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Versus

1. The Union Of India Through The Secretary, Ministry Of Road Transport And National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Hihgway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
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8. The Additional Collector, Rohtas, Sasaram.
9. The Competent Authority-Cum- District Land Acquisition Officer, Rohtas, Sasaram.
10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7715 of 2019

Umesh Prasad Singh, S/o Late Indradeo Singh R/o Vill Torni, P.S.- Sheosagar, Dist.- Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, Nationa Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
4. The Project Director, National Highway Authority, Sasara.
5. The District Magistrate, Rohtas, Sasaram.
6. The Six Committee headed by the Collector, Rohtas, Sasaram.
7. The Deputy Development Commissioner, Rohtas, Sasaram.
8. The Additional Collector, Rohtas, Sasaram.

9. The Competent Authority-cum District Land Acquisition Officer, Rohtas, Sasaram.
10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9091 of 2019

1. Janardan Singh Son of Shiv Adhar Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.
2. Chaudhary Manarjan Singh Son of Shiv Adhar Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.
3. Satendra Singh Son of Shiv Adhar Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.
4. Jitendra Pratap Singh Son of Shiv Adhar Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.
5. Navalakhiya Devi Wife of Umesh Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.
6. Lalita Kunwar Wife of Late Gaurishankar Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.
7. Ravi Shankar Singh Son of Kedar Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.
8. Om Prakash Singh Son of Kedar Singh Resident of Village- Bhagwalia, P.S.- Shiv Sagar, District- Rohtas (Sasaram), State- Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and National Highway, New Delhi.
2. The Administrator, National Highway Authority of India, Govt. of India, New Delhi.
3. The National Highway Authority of India, Ministry of Road Transport and Highway, Govt. of India, Project Implementation Unit, PIU, Sasaram through its Project Director.
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7. The Deputy Development Commissioner, Rohtas, Sasaram.
8. The Additional Collector, Rohtas, Sasaram.
9. The Competent Authority-cum-District Land Acquisition Officer -cum- District Land Acquisition Officer
10. The District Additional Registrar, Rohtas, Sasaram.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5750 of 2019)

For the Petitioner/s : Mr. Jai Prakash Singh, AOR-2666
: Mr. Aman Kumar, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha (SC19)
Mr. Saurabh Kumar, AC to SC 19

(In Civil Writ Jurisdiction Case No. 5908 of 2019)

For the Petitioner/s : Mr. Jai Prakash Singh, AOR-2666
: Mr. Aman Kumar, Adv.
For the Respondent/s : Mr. Sajid Salim Khan (SC 25)

(In Civil Writ Jurisdiction Case No. 5930 of 2019)

For the Petitioner/s : Mr. Jai Prakash Singh, AOR-2666
: Mr. Aman Kumar, Adv.
For the Respondent/s : Mr. Raj Kishore Roy (GP18)

(In Civil Writ Jurisdiction Case No. 7402 of 2019)

For the Petitioner/s : Mr. Jai Prakash Singh, AOR-2666
: Mr. Aman Kumar, Adv.
For the Respondent/s : Mr. Raj Kishore Roy (GP18)

(In Civil Writ Jurisdiction Case No. 7437 of 2019)

For the Petitioner/s : Mr. Jai Prakash Singh, AOR-2666
: Mr. Aman Kumar, Adv.
For the Respondent/s : Mr. Subash Chandra Yadav (GP15)

(In Civil Writ Jurisdiction Case No. 7438 of 2019)

For the Petitioner/s : Mr. Jai Prakash Singh, AOR-2666
: Mr. Aman Kumar, Adv.
For the Respondent/s : Mr. Subash Chandra Yadav (GP15)

(In Civil Writ Jurisdiction Case No. 7715 of 2019)

For the Petitioner/s : Mr. Jai Prakash Singh, AOR-2666
: Mr. Aman Kumar, Adv.
For the Respondent/s : Mr. Subash Chandra Yadav (GP15)

(In Civil Writ Jurisdiction Case No. 9091 of 2019)

For the Petitioner/s : Mr. Saroj Kumar
For the Respondent/s : Mr. S.D.Sanjay (ADSG)

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT**

Date : 17-07-2023

Counsel for the petitioners and counsel for the State
are present.

2. In the above mentioned eight writ petitions, one
common question involved whether the competent authority
under Right To Fair Compensation And Transparency In Land
Acquisition, Rehabilitation And Resettlement Act, 2013 (Act

No.30 of 2013) has power to prepare fresh award reviewing his earlier award?

3. Counsel for the petitioners submits that admittedly, the said lands had been acquired for the purpose of construction of National Highway, therefore, guided by National Highways Act, 1956 (hereinafter referred to as 'the Act of 1956'). He submits that under Section 3 G (5) of the Act of 1956, it is clearly mentioned that :-

“(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.”

4. Therefore, Counsel for the State submits that the only remedy available under law to the NHAI is to avail remedy under Section 3 G (5) of the Act of 1956.

5. Counsel for the petitioners submits that the competent authority under law is the authority under the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 (hereinafter referred to as 'RFCTLARRA') (Act No.30 of 2013).

6. He submits that Section 33 of RFCTLARRA,

2013 (Act No.30 of 2013) empowers the competent authority to review the award. The content of Section 33 of RFCTLARRA, 2013 (Act No.30 of 2013) is as follows:-

“(1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess

amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.”

7. Counsel for the State further submits that in view of the power laid down under the new act under Section 33 of RFCTLARRA, 2013 (Act No.30 of 2013), the competent authority has taken correct decision, as the said decision has been taken after objection filed by the NHAI before the competent authority. Hence, the award prepared later on is valid and if the petitioners are aggrieved by the same, they may avail remedy under 3 G (5) of the Act of 1956.

8. Counsel for the petitioners appearing in CWJC No.5908 of 2019 submits that it is an admitted fact that earlier award of the lands of the petitioners were prepared by the Competent Authority for Land Acquisition (hereinafter referred as CALA) vide order dated 02.05.2017 in Land Acquisition Case No.12/ 2015-16 was proposition under Section 33 (1)(2) of RFCTLARRA, 2013 (Act No.30 of 2013).

9. The respondent NHAI returned the award to District Land Acquisition Officer and offered to pay the compensation at the rate awarded by the District Land

Acquisition Officer and referred the matter to the Department of Revenue and Land Reforms.

10. Counsel for the petitioners further submits that the District Land Acquisition Officer is the appropriate person for respondent Collector. The Additional Collector and the competent authority, i.e. the District Land Acquisition Officer under provision of 3(3) of the Bihar Government Servant's Conduct Rule, 1956 are duty bound to follow with direction of their superior authority. So the matter was referred to the Committee and the recommendation of the Committee was accepted and earlier the award was prepared by CALA vide order dated 30.07.2018.

11. Counsel for the State further submits that in other cases, the provision of Section 37 of the RFCTLARRA, 2013 (Act No.30 of 2013) has been laid down which states about the situation as to whom the award of greater amount is to be paid. He submits that the said award shall only be treated as final instead of the earlier award. The Section 37 of RFCTLARRA, 2013 (Act No.30 of 2013) is as follows:

“(1) The Awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether

they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose.”

12. Counsel for the petitioners have also relied upon a judgment dated 28.12.2019 rendered in the case of *Bhupendra Singh vs. Competent Authority and Ors.* passed in W.P. No.5286 of 2018 of the Hon'ble Bombay High Court and also the decision rendered in the case of *Naresh Kumar and Ors. Vs. Govt. of NCT, Delhi* along with Civil Appeal No. 6637 of 2010

reported in 2019 (4) PLJR (SC) 383, in which it has been decided that in the matter of acquisition under National Highways Act, 1956, there is no applicability of Section 33 of the Act of RFCTLARRA, 2013 (Act No.30 of 2013).

13. In view of this Court, section 33 of RFCTLARRA, 2013 (Act No.30 of 2013) shall not be applicable in the present case at all as the preparation of second award amounts to review of the earlier award and under law, the competent Authority being quasi judicial authority has no power to review its own order and without any authority under law the applicability of Section 33 of the RFCTLARRA, 2013 (Act No.30 of 2013) is for very limited purpose which itself laid down in the Statute.

14. In this background, this Court is of the view that preparation of later award if absolutely bad in law in all the cases. As such, award dated 30.07.2018 in CWJC No. 5750 of 2019, CWJC No. 5908 of 2019, CWJC No. 5930 of 2019, CWJC No. 7402 of 2019, CWJC No. 7438 of 2019, CWJC No. 7715 of 2019 and award dated 02.07.2018 in CWJC No. 7437 of 2019 are hereby set-aside.

15. Accordingly, this writ petition is allowed granting liberty to the NHAI that if it has grievances from the earlier

award then the NHAI may take recourse to Section 3G (5) of the Act of 1956 by way of filing appropriate application before the Arbitrator -cum- Divisional Commissioner concerned.

16. With the aforesaid directions and observations, the writ petitions stand disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2023
Transmission Date	NA