

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5356 of 2023

1. Smt. Saroj Devi Wife of Shri Arvind Kumar, Resident of Village Karigaon, P.S. - Rajauli, District Nawada.
2. Ashawani Kumar, Son of Late Bindeshawari Prasad Singh, Resident of Village Dhardha, P.S. - Darha, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, the Government of Bihar, Patna.
2. The Principal Secretary, Road Transport and Highway Department, the Government of Bihar, Patna.
3. The National Highway Authority of India through its Regional Officer, Patna.
4. The Regional Officer, National Highway Authority of India, Regional Office, Patna.
5. The Commissioner, Magadh Commissioner, Gaya.
6. The District Magistrate-cum-Collector, Nawada.
7. The District Land Acquisition Officer, Nawada.
8. The Circle Office, District Nawada.
9. The Subdivisional Officer, Rajauli, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar, Advocate
For the NHAI	:	Mr. Sriram Krishna, Advocate
		Mr. Prabhat Kumar Singh, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-08-2023

Heard learned counsel for the petitioners, learned counsel for the National Highway Authority of India and learned counsel for the State.

2. The present writ petition has been filed by the petitioners to pay the compensation amount to them for acquisition of Decimlas of 0.205 Acre land belonging to the

petitioners situated at Karigaon, P.S.-Rajauli, District- Nawada acquired by the respondents for the purpose of construction of Four Lane Project of NH-31 District- Nawada in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Counsel further prays that the petitioners are the owner of Khata No. 54, Khesra No. 211 area 0.205 decimal situated at Mouza- Karigaon, Circle-Rajauli, P.S.- Rajauli, District- Nawada.

3. Learned counsel for the petitioners submits that they received information about their acquisition of land only when notice under Section 37(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act No. 30 of 2013] (hereinafter referred to as the 'Act of 2013') has been received which is annexed as Annexures-3 and 4. Counsel further submits that immediately after knowing this information, they have filed representation before District Land Acquisition Officer, Nawada requesting to redetermine the quantum of compensation, when no action takes place then he moved before this Court.

4. Learned counsel for the National Highway Authority of India presents, who submits that the acquisition of

land of the petitioners has been made for the purpose of construction of Four Lane Project of NH-31. The Prevailing Act for acquisition of National Highway is National Highways Act, 1956. Counsel further submits that the principles of acquisition shall definitely covered under the Act of 2013 but the basic law is the National Highways Act, 1956. According to which the remedy lies to the petitioners for the relief which they are prayed under Section 3G(5) of the National Highways Act, 1956 [Act No. 48 of 1956]. Counsel also submits and rectify that the area of land acquired is not 0.205 decimal rather it is 0.205 acre.

5. Learned counsel for the State also submits that according to Section 3G(7) of the National Highways Act, 1956, the competent authority or the arbitrator has been directed to take into consideration the market value of the land on the date of publication of notification under Section 3A of the National Highways Act, 1956, while determining the amount as fixed under sub-section (1) or sub-section (5), in addition to that there are other conditions also.

6. In the light of the submissions made by the parties, this writ petition is disposed off directing the petitioners to file an application under Section 3 G(5) of the National Highways Act, 1956 [Act No. 48 of 1956] before the Arbitrator-

cum-Divisional Commissioner, Gaya within four weeks from today and the Divisional Commissioner, Gaya is directed to pass order within nine months thereafter.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.08.2023
Transmission Date	N.A.