

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6209 of 2023

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Arati Devi alias Arti Kumari Wife of Ranjeet Ray @ Ranjeet Kumar, Resident of Shivpuri Jagriti Path Anishabad, resident of at present Village-Nathupur, P.O.-Pakri Anisabad, P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Ministry of Road Transport and Highway, New Delhi.
2. The State of Bihar through the Collector and District Magistrate, Patna.
3. The Director cum Special Secretary, Land Acquisition, Patna.
4. The Commissioner, Patna Division, Patna.
5. The District Land Acquisition Officer, Patna.
6. The Project Director, National Highway Authority, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Girjanand Prasad, Adv.
For the Respondent/s	:	Mr. Navnit Kumar, AC to GP-18
For the NHAI	:	Mr. Rajesh Shandilya, Adv.
	:	Mr. Vinayak Harshvardhan, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner, learned counsel for the Union of India, learned counsel for the National Highways Authority of India and learned counsel for the State.

2. The present writ petition has been filed for enhancement of compensation amount, which has been prepared and petitioner has received it with objection.

3. Counsel for the petitioner submits that the petitioner is entitled to receive the payment treating his land as residential, whereas, his Award has been calculated treating his land as agricultural land. Counsel further submits that

Annexure-4 series is the information communicated to him under Section 3E of the National Highways Act, 1956 [48 of 1956].

4. Counsel for the National Highways Authority of India submits that since Award has already been prepared and petitioner has accepted the Award with objection then in that case the liberty is available to the petitioner to file an application under Section 3G(5) of the National Highways Act, 1956 [48 of 1956] before the Arbitrator-cum-Divisional Commissioner.

5. In this view of the matter, the present writ petition is disposed of with the direction to the petitioner to file a fresh representation along with a copy of this order before the Arbitrator-cum-Divisional Commissioner, Patna raising all his points within four weeks, who shall decide his representation within nine months thereafter.

(Dr. Anshuman, J.)

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