

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8702 of 2023

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Bhawani Shankar Yadav S/o Ayodhya Prasad Yadav Resident of Village-
Janidih, Ward No. 05, Shankarpur Khwas P.S. Kahalgaon, District-
Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Bhagalpur.
2. The Chief Secretary, Old Secretariat, Govt. of Bihar, Patna-800001.
3. The Principal Secretary, Land Acquisition Directorate, Revenue and Land Reform Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Excise Prohibition Utpad and Registration department, Govt. of Bihar, Patna.
5. The I.G. Registration cum-Director General, Registration, Govt. of Bihar, Patna.
6. The District Magistrate-cum-Collector, Bhagalpur.
7. The District Land Acquisition Officer, Bhagalpur.
8. The Sub-Registrar, Bhagalpur.
9. The State Highway Authority, through Project Manager, N.H.80 and 84.
10. The Secretary, National Highway, Ministry of and National Highway, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Choudhary Shyam Nandan
For the Respondent/s	:	Mr. Mukul Prasad, (AC to GP-18)
For the N.H.A.I.	:	Mr. Rajesh Shandilya, Adv.
		Mr. Vinayak Harshvardhan, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-09-2023

Heard learned counsel for the petitioner, learned
counsel for the N.H.A.I. and learned counsel for the State.

2. The present writ application has been filed for
directing the respondent to make payment as per the M.V.R.
value of the year 2019, for the enhanced price of compensation

as per the applicability in accordance with law in favour of the petitioner.

3. Learned counsel for the petitioner admits that the land of the petitioner has been acquired for the purpose of construction of N.H.-80, Munger-Mirzachak for the construction of Four Lane. Counsel submits that the petitioner has accepted the award amount with objection and raising the claim that in the year 2019 vide Memo No. 920 dated 03.09.2019, a letter has been issued to all the Divisional Commissioners to make payment, as per up to date market value of the land and it has also been instructed in the said letter that the market value of the land should be determined taking into consideration the existing geographical situation of the land, existing use of the land, already available advantages, like proximity to National or State Highway or road and/or notionally or intentionally renowned tourist destination or developed area, and market value of other land situated in the same locality or adjacent or very near to acquired land the size of such a land.

4. Learned counsel for the N.H.A.I. submits that the remedy lies to the petitioner to file an application under Section 3G(5) of the National Highways Act, 1956, [48 of 1956] (hereinafter referred to as 'the Act of 1956') before the

Arbitrator-cum-Divisional Commissioner for enhancement of the compensation amount.

5. In this background, the present writ application is disposed of directing the petitioner to avail remedy by way of filing application under Section 3G(5) of the Act of 1956. At the time of deciding the said application, the Arbitrator-cum-Divisional Commissioner, Bhagalpur shall consider Annexure- 3 issued vide Memo No. 920 dated 03.09.2019 by the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar.

6. The Arbitration-cum-Divisional Commissioner, Bhagalpur is directed to pass order within nine months from the date of production of this order.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2023
Transmission Date	NA