

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.670 of 2018

Byash Prasad Singh Son of Late Ygyanand Singh, resident of Village Dulma,
P.W. Circle- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Secretary Govt. of India Ministry of Road Transport of Highway, New Delhi.
3. National Highway Authority of India through its Project Director, Incharge of N.H. 104, New Delhi.
4. The State of Bihar through the Principal Secretary Revenue and Land Reforms, Government of Bihar,
5. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
6. The District Magistrate cum Collector, East Champaran at Motihari.
7. The Sub Divisional Officer, Pakari Dayal, East Champaran.
8. The District Land Acquisition Officer, East Champaran at Motihari.
9. The Circle Officer, Madhuban, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the Respondent/s	:	Mr.Raj Kishore Roy -Gp18
		Mr. Navnit Kumar, AC to GP 18
For NHAI	:	Mr, S. N. Pathak
		Mr. Saurav Nikunj

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 10-01-2023 The contention of the petitioner is that his land bearing Khata No. 302, Plot No. 433, Mouja- Dulma, Thana No. - 02, area 11 decimals, has been acquired by the National Highways Authority of India (for short the "N.H.A.I.") but adequate compensation has not been granted to the petitioner inasmuch instead of giving compensation at commercial rate, the petitioner has been given compensation only treating his



land as a residential land.

Learned counsel for the petitioner submits that compensation of the subject land acquired by the N.H.A.I. is not adequate and for enhancement of the same the petitioner has filed petition before the District Land Acquisition Officer, East Champaran, at Motihari.

On the other hand, Mr. S.N. Pathak, learned counsel appearing for the N.H.A.I. submits that as per Section 3-G(5) of the National Highways Act, 1956 (hereinafter referred to as the “N.H. Act”) “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 Central Government”. He next submits that now the Central Government has notified Divisional Commissioner of the area as Arbitrator under the N.H. Act.

In view of the aforesaid, the petitioner is directed to file his claim for enhancement of compensation amount as per Section 3-G(5) of the N.H. Act before the Arbitrator i.e. Divisional Commissioner, Tirhut, within a period of four weeks from today.



If such a claim is filed within the aforesaid time, the learned Arbitrator shall decide the same in accordance with law after giving opportunity of hearing to all concerned and will pass a reasoned order within a reasonable time period, preferably within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction, this writ application is disposed of.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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