

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11857 of 2019

1. Dadan Singh Son of late Sri Narayan Singh, Resident of Village-Bamhaour, P.O. and P.S. Shivsagar, District- Rohtas.
2. Anirudh Singh, Son of late Ramyad Singh Resident of Village-Bamhaour, P.O. and P.S. Shivsagar, District- Rohtas.
3. Sahjadi Begam, Wife of late Abdul Qayum , Resident of Village- Pakhnari, P.O. and P.S. -Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar,
2. The Principal Secretary Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Land Acquisition Officer, Rohtas, Sasaram Cum Competent Authority.
5. The Sub-Registrar, Registry Office, Sasaram, Rohtas.
6. The Circle Officer, Sheosagar, Sheosagar Circle, Rohtas.
7. The National Highways Authority of India, New Delhi through its Managing Director.
8. The Managing Director, National Highways Authority of India, New Delhi
9. The Project Manager, National Highways Authority of India, NH-2(Varanasi- Aurangabad Section), Sasaram, Rohtas.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9604 of 2019

1. Umrawati Devi, Wife of Haridwar Choubey, D/o Late Shiv Narayan Tiwary, resident of Village and P.O.- Khurmabad, P.S.- Sheo Sagar, District- Rohtas.
2. Ajay Tiwari, Son of Late Mathura Tiwari, resident of Village and P.O.- Khurmabad, P.S.- Sheo Sagar, District- Rohtas.
3. Shanti Devi, Wife of Late Shiv Narayan Tiwari, resident of Village and P.O.- Khurmabad, P.S.- Sheo Sagar, District- Rohtas.
4. Durgesh Tiwari, Son of Late Jag Narayan Tiwari, resident of Village and P.O.- Khurmabad, P.S.- Sheo Sagar, District- Rohtas.
5. Yamuna Tiwari, Son of Late Tribhuwan Tiwary, resident of Village and P.O.- Khurmabad, P.S.- Sheo Sagar, District- Rohtas.
6. Arun Tiwari, Son of Mathura Tiwari, resident of Village and P.O.- Khurmabad, P.S.- Sheo Sagar, District- Rohtas.
7. Vijay Tiwari, Son of Mathura Tiwari, resident of Village and P.O.-



Khurmabad, P.S.- Sheo Sagar, District- Rohtas.

8. Jaya Tiwary, Wife of Diwakar Tiwary, D/o Late Shiv Narayan Tiwary, residenta of Village and P.O.- Khurmabad, P.S.- Sheo Sagar, District- Rohtas.
9. Rajeshwar Pandey, Son of Ramanand Pandey, resident of Village- Mohan Darwan, P.O.- Mahaut, District- Kaimur Bhabhua.
10. Surendra Pandey @ Suresh Pandey, Son of Ramanand Pandey, resident of Village- Mohan Darwan, P.O.- Mahaut, District- Kaimur Bhabhua.
11. Sudama Pandey, resident of Village- Mohan Darwan, P.O.- Mahaut, District- Kaimur Bhabhua.
12. Virendra Kumar Pandey, Son of Ramanand Pandey, resident of Village- Mohan Darwan, P.O.- Mahaut, District- Kaimur Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Land Acquisition Officer, Rohtas, Sasaram cum Competent authority.
5. The Sub-Registrar, Registry office, Sasaram, Rohtas.
6. The Circle Officer, Sheosagar, Sheosagar Circle, Rohtas.
7. The National Highways Authority of India, New Delhi.
8. The Managing Director, National Highways Authority of India, New Delhi.
9. The Project Manager, National Highways Authority of India, NH-2 (Varanasi- Aurangabad Section), Rohtas, Sasaram.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10708 of 2019

Narendra Singh Son of Late Ram Bachan Singh Resident of Village- Khudhanu, Belwa, P.S.- Sheosagar, Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Land Acquisition Officer, Rohtas, Sasaram cum Competent Authority.



5. The Sub-Registrar, Registry Office, Sasaram, Rohtas.
6. The Circle Officer, Sasaram, Rohtas.
7. The National Highways Authority of India, New Delhi.
8. The Managing Director, National Highways Authority of India, New Delhi.
9. The Project Manager, National Highways Authority of India, NH-2 (Varanasi- Aurangabad Section), Rohtas, Sasaram.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11857 of 2019)

For the Petitioner/s : Mr.Kanhaiya Pandey
Mr. Vinay Kumar Mishra
For the State : Mr. Dhurjati Kumar Prasad
For the NHAI : Mr. S. N. Pathak
Mr. Saurav Nikunj

(In Civil Writ Jurisdiction Case No. 9604 of 2019)

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Respondent/s : Mr.Md.Khurshid Alam (AAG12)
Arun Kumar Bhgat, AC to AAG 12
For the NHAI : Mr. (Dr.) Maurya Vijay Chandra
Mr. Gaurav Govinda
Mr. Rishav Ranjan

(In Civil Writ Jurisdiction Case No. 10708 of 2019)

For the Petitioner/s : Mr.Prabhat Ranjan Singh
For the Respondent/s : Mr.Rishi Raj Sinha (Sc19)
Mr. Saurabh Kumar
For the NHAI : Mr. S. N. Pathak
Mr. Saurav Nikunj

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 10-01-2023 The contention of the petitioners is that their lands have 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 petitioners inasmuch instead of giving compensation at commercial rate, the petitioners have been given compensation only treating their land as a residential land.

Learned Counsel for the petitioners, in all the cases, submits that compensation of the subject land acquired by the



N.H.A.I. is not adequate and for enhancement of the same, the petitioners have filed petitions before the District Land Acquisition Officer, Rohtas, Sasaram.

On the other hand, 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 petitioners are directed to file their claims for enhancement of compensation amount as per Section 3-G(5) of the N.H. Act before the Arbitrator i.e. Divisional Commissioner, Patna 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.



With the aforesaid observation and direction, these writ applications are disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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