

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11112 of 2015

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Phulgenda Devi Wife of Dinesh Singh, Resident of Village- Sinduriya, P.S.
Barun and District -Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna (Bihar).
2. The District Magistrate, Aurangabad.
3. The Additional Collector cum Arbitrator, Aurangabad.
4. The Deputy Collector Land Reforms, cum the Competent authority, Aurangabad.
5. The Chief General Manager National High Way II, Aurangabad.
6. The Project Director, P.I.U. National Highway Authority of India, Varanasi U.P.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Adv.
	:	Mr. Vyas Kumar Mishra, Adv.
For the State	:	Mr. Kinker Kumar, SC-9.
	:	Ms. Deepika Sharma, AC to SC-9.
For the NHAI	:	Mr. S.N. Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the National Highway Authority of India.

2. Initially the present writ petition has been filed seeking direction to the respondent authorities particularly respondent no.4 to redetermine the compensation amount in view of the provisions of National Highways Act, 1956. Subsequently I.A. No.920 of 2016 has been filed for adding the relief in the writ petition by quashing the award notice dated



02.01.2016 passed by the Competent Authority-cum-Land Reforms Deputy Collector, Aurangabad in Case No.17(XXIII) of 2009-10 & 17(XXIII)/Structure of 2009-10.

3. Learned counsel for the National Highway Authority of India has raised preliminary objection submitting that the order under challenge has statutory remedy under Section 3G(5) of The National Highways Act, 1956 (Act No.48 of 1956) before the Arbitrator-cum-Divisional Commissioner, Gaya.

4. Learned counsel for the State also submits the same as argued by counsel for the National Highway Authority of India.

5. Upon hearing the argument and going through the documents as also as per position of law, the present Writ Petition is **disposed off** directing the petitioner to avail his remedy under Section 3G(5) of The National Highways Act, 1956 (Act No.48 of 1956) before the Arbitrator-cum-Divisional Commissioner, Gaya within four weeks alongwith the order passed by this Court.

6. The Arbitrator-cum-Divisional Commissioner, Gaya is directed to dispose of the said arbitration case upon filing by the petitioner within reasonable time period.



7. Accordingly, the writ petition alongwith I.A.
No.920 of 2016 stands disposed off.

(Dr. Anshuman, J.)

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