

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11096 of 2023

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Suresh Ray, Son of Late Jamuna Ray, Resident of Village-Paithani Nathpur
Pakri, P.O.-Pakri Anisabad, P.S.-Beur, Distirt-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 Distirt 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, Advocate
For the UoI	:	Ms. R. K. Sharma, CGC
		Mr. Lokesh, Advocate
For the NHAI	:	Mr. Kumar Gautam, Advocate
For the State	:	Mr. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 12-09-2023

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 the petitioner has received the same with objection.

3. Counsel for the petitioner submits that the petitioner is entitled to receive the compensation amount treating his land as residential whereas Award has been



calculated treating his land as agricultural. Counsel further submits that Annexure-4 is the information communicated to the petitioner under Section 3E of the National Highways Act, 1956.

4. Counsel for the National Highways Authority of India submits that since the Award has already been prepared and the 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 before the Arbitrator-cum-Divisional Commissioner.

5. In this view of the matter, the present writ petition is disposed of directing 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)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	13/09/2023
Transmission Date	NA

