

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11759 of 2023

-
1. Dayanand Ray @ Dayanand Singh Son of Late Awadh Ray alias Awadh Singh Resident of Village- Nathupur, P.O.- Pakri Anisabad, P.S.- Beur, District- Patna.
 2. Jaynandan Singh alias Jayananda Ray, Son of Late Awadh Ray alias Awadh Singh Resident of Village- Nathupur, P.O.- Pakri Anisabad, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The 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 District Land Acquisition Officer, Patna.
6. The Project Director, National Highway Authority, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Girjanand Prasad, Advocate
For the UoI	:	Mr. R. K. Sharma, CGC
		Mr. Lokesh Kumar, Advocate
For the NHAI	:	Mr. Kumar Gautam, Advocate
For the State	:	Mr. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-09-2023

Heard learned counsel for the petitioners, 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 petitioners submits that the



petitioners are 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 petitioners have accepted the Award with objection then in that case the liberty is available to the petitioners 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 petitioners 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

