

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.162 of 2023

1. Ajay Kumar Singh Son of Late Bisheshwar Nath Singh, Resident of Durga Mandir, Laxmi Ganj, Sisai, P.O.- Sisai Via Tarwara, P.S.- Goreyakothi, District- Siwan.
2. Ashok Kumar Singh Son of Late Sheo Nath Singh, Resident of Village- Sisai, P.O.- Sisai Via Tarwara, P.S.- Goreyakothi, District- Siwan.
3. Umesh Kumar Singh Son of Late Sheo Nath Singh, Resident of Village- Sisai, P.O.- Sisai Via Tarwara, P.S.- Goreyakothi, District- Siwan.
4. Ramesh Kumar Singh Son of Late Sheo Nath Singh, Resident of Village- Sisai, P.O.- Sisai Via Tarwara, P.S.- Goreyakothi, District- Siwan.
5. Hare Ram Singh Son of Late Sheo Nath Singh, Resident of Village- Sisai, P.O.- Sisai Via Tarwara, P.S.- Goreyakothi, District- Siwan, at present resident of Sai Binod Jyoti Appartment, A.N. Path, North Srikrishna Puri, Patna- 800013
6. Sudhir Kumar Son of Late Bisheshwar Nath Singh, Resident of Durg Mandir, Laxmi Ganj, P.O.- Sisai Via Tarwara, District- Siwan.
7. Shobha Devi @ Sobha Devi Wife of Late Bishewar Nath Singh Resident of Durga Mandir, Laxmi Ganj, P.O.- Sisai Via Tarwara, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.-1
2. The Chairman National Highways Authority of India, Plot No. G-5 and 6, Sector-10, Dwarka, New Delhi-75.
3. The Project Director, Sri Ram Janaki Path, Siwan.
4. The Commissioner, Saran Division, Chapra.
5. The Collector-cum-District Magistrate, Siwan.
6. The District Land Acquisition Officer-cum-Competent Authority, Collectriate, Siwan.
7. The Circle Officer, Goreyakothi Block, At and P.O. and P.S.- Goreyakothi, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. M.N. Parbat, Sr. Adv.
	:	Mr. Ved Prakash Shrivastava, Adv.
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19.
For the NHAI	:	Ms. Vandana Kishor, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER



5 18-09-2023 Heard Mr. M.N. Parbat, learned Senior Counsel with Mr. Ved Prakash Shrivastava, learned counsel for the petitioners, learned counsel for the State and learned counsel for the National Highways Authority of India.

2. The present writ petition has been filed by the petitioners seeking direction to the respondents to pay the enhanced amount of compensation which has been decided by the District Land Acquisition Officer in L.A. Case No.21 of 2021-22 treating the petitioners' lands as "Bhith Land".

3. Learned Senior Counsel for the petitioners submits that petitioners have filed the objection but on the said objection, no order has been passed till date, it is due to this reason, the petitioners have moved before this Hon'ble Court.

4. Learned counsel for the National Highways Authority of India submits that the said objection has not been filed within the statutory period of 21 days, as such, the petitioners have only remedy left to file application for enhancement of amount as per the nature claimed by them as well as enhanced value of compensation under Section 3G(5) of the National Highways Act, 1956 (Act No.48 of 1956).

5. Learned senior counsel for the petitioners submits that under law, the methodology of compensation of land as per



the market value has already been discussed under National Highways Act, 1956 (Act No.48 of 1956) as well as Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and it is well settled that there is applicability of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the land acquisition under National Highways Act, 1956.

6. Learned counsel for the State submits that District Land Acquisition Officer is duty bound to comply the order of this Court.

7. In this view of the matter, petitioners are directed to avail the remedy by way of filing application under Section 3G(5) of the National Highways Act, 1956 (Act No.48 of 1956) before the Arbitrator within four weeks from today who shall decide the claim of petitioners in compliance of the law laid down by the Parliament i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) read with National Highways Act, 1956 (Act No.48 of 1956) within nine months from the date of completion of appearance of the parties.

8. With this direction, the present Writ Petition stands



disposed off.

(Dr. Anshuman, J.)

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