

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18142 of 2022

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Rajendra Singh, Son of Late Doma Singh, Resident of Village - Rajandih,
P.O. - Laheri, P.S. - Kochas, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Rohtas at Sasaram.
3. The District Land Acquisition Officer, Rohtas at Sasaram.
4. The Circle Officer, Circle - Kochas, District - Rohtas.
5. The Project Director, National Highways Authority of India, Project Implementation Unit, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bishwa Nath Chaudhary, Advocate Mr. Mithilesh Kumar, Advocate
For the State	:	Mr.Raj Kishore Roy (GP 18) Mr. Mukul Prasad, Advocate
For the NHAI	:	Mr. S. N. Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 01-08-2023

Heard learned counsel for the petitioner, learned counsel for the State, and learned counsel for the National Highway Authority of India.

2. The present writ petition has been filed for directing the respondents to release payment of compensation amount to the petitioner in whose name Gazette Notification



dated 26.08.2013 under Section 3D(1) and (2) of the National Highways Act, 1956 (hereinafter referred to as 'the Act of 1956') has been published.

3. Learned counsel for the petitioner submits that his name has figured on the second page of notification at Sl Nos. 17, 18, 20, 23, and 26. The name of the petitioner is Rajendra Singh whereas in the notification the name of other persons namely Ram Raj Singh, and Raj Nath Singh are there with the petitioner all sons of the late Doma Singh. In addition to that names of other persons are also there namely Vishwanath Singh, Hiralal Singh, and Sanjay Singh son of late Nazir Singh. Learned counsel for the petitioner submits that in view of the said notification, though the land of the petitioner has been acquired, no payment has been made.

4. Learned counsel for the National Highway Authority of India on the other hand raised the objection that only the petitioner has come forward and he has not stated in the petition whether payment has been made to the other co-sharer or not.

5. In response, counsel for the petitioner submits that he has specifically narrated in paragraph -4 of the writ petition that the petitioner is a *karta* of the joint family and has filed the



present writ petition to receive the award for the entire land of the petitioner acquired by the respondents.

6. A counter affidavit has been filed on behalf of respondent Nos. 4 and 5 in which it is indicated that the Arbitration Case bearing 17/2021 is pending before the Arbitrator.

7 Learned counsel for the State submits that in the counter affidavit in place of 'Arbitration Case' inadvertently 'Rail Arbitration Case' has been mentioned.

8. At this juncture, this Court is not inclined to continue with this writ petition.

9. However, the Competent Authority for Land Acquisition (CALA) is directed to provide a copy of the award with regard to the land in question to the petitioner upon receiving a copy of the award, if there are any grievances left to the petitioner with regard to payment of compensation amount, then the petitioner shall be at liberty to move either under Section 3 G(3) of the Act of 1956 before the CALA and in case of non-resolving of the said dispute, then under Section 3G(5) of the Act of 1956 before the Arbitrator -cum-Divisional Commissioner.



10. With the aforesaid observation, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2023
Transmission Date	NA

