

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1107 of 2022

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Narendra Jha @ Narendra Za Son of Late Jateshwar Jha @ Jateshwar Za
Resident of Village- Rampur, P.O. Rampur, P.S. Murliganj, District-
Madhepura.

... .. 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, Madhepura.
3. The Additional Collector, Madhepura.
4. The Competent Authority-cum- District Land Acquisition Officer, Madhepura.
5. N.H.A.I. through Project Director (P.I.U.) Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bishwa Nath Chaudhary, Advocate Mr. Mithilesh Kumar, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG-12) Mrs.Nutan Sahay, AC to AAG-12 Mr. S.N.Pathak, Advocate with Mr. Saurav Nikunj

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for quashing of the notice(s) dated 04.12.2021 issued in L.A.Case No. 02/2020-21, by which, the lesser amount of fair compensation has been calculated without any spot verification by the six member committee or without considering the representation dated 22.10.2020 of the petitioner.

3. At the very outset, learned counsel for the respondents / State raises preliminary objection to the effect that



petitioner has got alternative remedy with regard to insufficiency of compensation amount, by way of filing appropriate application under Section 3G(5) of the National Highways Act, 1956 before the Arbitrator-cum-Divisional Commissioner, which reads as follows:

“If the amount determined by the competent authority under sub-section (1) or subsection (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

4. 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, Madhepura raising all his points, who shall examine his representation and pass appropriate order, after hearing the parties, in accordance with law.

5. It goes without saying that if any question of limitation arises before the authority concerned, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article



226 of the Constitution of India.

6. Writ application stands disposed of with the
aforesaid observations.

(Prabhat Kumar Singh, J)

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