

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4537 of 2018

1. Vijay Pandey Son of Ram Kavilash Pandey, Residents of Village- Kundesar, Post Office- Kundesar, Police Station- Shahpur, District- Bhojpur, at present 77, Ward No.18, Gram- Moriyama, Post/P.S.- Jhumritilaiya, Dist- Koderma.
2. Suryamukhi Devi, Wife of Late Kedar Nath Pandey, Residents of Village- Kundesar, Post Office- Kundesar, Police Station- Shahpur, District- Bhojpur.
3. Vijay Bahadur Pandey, S/o Late Ganesh Pandey, Resident of Village- Kundesar, P.O.- Kundesar, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Director, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Bhojpur, Ara.
5. The District Land Acquisition Officer, Bhojpur, Ara.
6. The Project Director, National Highway Authority, Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra
For the State	:	Mr.Sajid Salim Khan
For NHAI	:	Dr. Maurya Vijay Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 11-11-2024

In the instant petition, petitioner has prayed for
the following relief(s):-

*(i) For payment of
compensation to the petitioners as the land of the
petitioners are Commercial Plot situated on*



National Highway Road in the light of categorization of the Government of commercial plot in the light of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013.

(ii) For payment of amount of compensation to the petitioners in the light of Notification issued by the Central Government vide D.O. No.13013/01/2014LRD (PL) dated 26.10.2015 which was notified by the Bihar Government vide letter No. 14/DLA-Margdarshal-LA Act (Bharat Sarkar)-238/2013-1342 dated 14.12.2015 in the light of Section 24 (i) (a) of the Provision of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 for payment of compensation to the petitioners in the light of Market value of the land on 01.01.2014.

(iii) For any other relief/reliefs for which the petitioners are entitled under the law in the light of fact and circumstances of the case in the interest of justice.

2. Learned counsel for the petitioners submits that petitioners have only grievance that they have not received enhanced amount of compensation for the land which has been acquired for construction of National Highways in the light of notification issued by the Central Government vide D.O. No. 13013/01/2014-LRD(PL) dated 26.10.2015 which was also adopted by the Government of Bihar. He further submits that award has been prepared on 27.09.2016 and petitioners have got compensation on the basis of the agricultural land and by virtue



of aforesaid notification the rate has been enhanced for the land which has been acquired for construction of the National Highway and petitioners are entitled to get compensation on the basis of enhanced rate by virtue of aforesaid notification but learned counsel for the petitioners admitted that petitioners have not made any representation for redressal of their grievances before competent authority.

3. Learned counsel appearing for NHAI and the State on the basis of material available on record have submitted that petitioners have not represented before competent authority for redressal of their grievances under Section 3G(5) of the National Highways Act, 1956 and hence, this petition is not maintainable.

4. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, the present writ petition stands disposed of with liberty to petitioners to raise their grievances before the Arbitrator under Section 3G(5) of the National Highways Act, 1956 within a period of four weeks from the date of receipt of this order. If petitioners raise their grievances before the concerned authority by filing representation, the concerned authority shall pass appropriate order on the representation of the petitioners in



accordance with law after giving due opportunity of hearing to
the petitioners.

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.11.2024
Transmission Date	N.A.

