

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3421 of 2024

Chandradev Narayan Singhson of Late Hirday Narayan Singh, Resident of village Dakhingaon, P.S. Wasirganj, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna

2. the District Magistrate, Gaya

3. The District Land Acquisition Officer, Gaya

4. the General Manager, National Highway Authority, Gaya

5. The Additional Collector cum Arbitrator, National Highway, Gaya

6. The Chief Manager, Bihar State Road Development Corporation Ltd. Patna

7. The Deputy Manager, Bihar State Road Development Corporation Ltd., Saroj Complex, 2nd Floor, Bodhgaya Bypass Road, Kendui, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mr. P.K. Shahi, Senior Advocate

: Mr. Manish Dhari Singh, Advocate

For the NHAI : Mr. Rajesh Kumar Shandilya, Advocate

: Mr. Utkarsh Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-06-2024 Heard Mr. Vijay Kumar, learned counsel for the petitioner, Mr. P.K Shahi, learned Senior Advocate duly assisted by Mr. Manish Dhari Singh representing the Bihar State Road Development Corporation Ltd, Mr. Akash Raj, learned Assistant Counsel to G.A.-5 as also Mr. Rajesh Kumar Shandilya and Utkarsh Bhushan for the NHAI.

2. The present writ petition has been preferred for the following reliefs:

i. For issuance of writ in the nature of writ of mandamus directing the respondents



especially Respondent No. 6 to expedite the payment of compensation against the acquisition of his land in the National Highway Scheme as per the award.

ii. For issuance of an appropriate writ / order or direction directing the respondents to pay penal interest over the amount due to the petitioner till his payment is made.

3. Learned counsel for the petitioner submits that aggrieved by the award, he moved before the Arbitrator – cum-Commissioner, Magadh Division, Gaya in Arbitration Case No. 225 of 2021 in which an order was passed on 16.07.2022 (Annexure- P/1 to the petition) directing the respondents to take into consideration the residential category of the land in question while making compensation.

4. His submission is that thereafter, the District Land Acquisition Officer, Gaya, re-calculated the amount which is part of the writ petition (Annexure-P/2) on 01.07.2023 and thereafter on 10.07.2023, the Deputy General Manager (Technical) wrote a letter to the Chief General Manager of Bihar State Road Development Corporation Ltd. (henceforth for short ‘the Corporation’) with request to make payment of the difference amount.

5. His submission is that the order is of 16.07.2022,



the request letter was made a year later but still the payments eluded him.

6. Learned Senior counsel appearing on behalf of 'the Corporation' submits that the last paragraph of the order would show that if either of the party is aggrieved, they can approach the Competent Court. As such, he submits that there is no clarity whether 'the Corporation' has moved the competent Court or not

7. Learned counsel for the petitioner submits that the order is of the year 2022 and the re-calculation followed by the letter of the officials of the same Corporation a year later clearly show that they have not approached the Competent Court and in that background, this submission needs to be negated.

8. The writ petition was filed in February 2024 after serving copies to 'the Corporation'. No reply is on record nor there is any instruction in this regard. This Court thus further finds force in the contention of the learned counsel for the petitioner that the order is of July 2022 and the re-calculation/request letter was issued a year later in July 2023.

9. However, with the consent of the parties and taking extreme caution, the writ petition stands disposed of with a direction to the concerned Corporation, the Respondent No. 6



to make payment of the re-calculated/difference amount to the petitioner within a period of three months from today, if the order dated 16.07.2022 passed by the Arbitrator -cum- Commissioner Magadh Division, Gaya in Arbitration Case No. 225 of 2021 has not been challenged before a Competent Court.

10. The writ petition stand disposed of.

(Rajiv Roy, J)

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