

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3363 of 2022

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1. Sanjay Kumar Pandey Son of Late Shiya Ram Pandey Resident of Village and Post- Lakshmipur, Police Station- Pirpainti, Via- Mathurapur, District- Bhagalpur, Pin- 813222.
 2. Amit Kumar Son of Late Bhairo Pandey Grand Son of Late Jagdish Pandey, Resident of Village and Post- Lakshmipur, Police Station- Pirpainti, Via- Mathurapur, District- Bhagalpur, Pin- 813222.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Chairman, National Highway Authority of India, G-5 and G-6, Sector-10, Dwarka, New Delhi- 110075.
3. The General Manager, National Highway Authority of India, through Bihar Regional Office, S.K. Puri, Patna- 800001, Bihar.
4. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
5. The Commissioner, Bhagalpur Commissioner, Bhagalpur.
6. The District Magistrate, Bhagalpur.
7. The District Land Acquisition Office, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar @ Ravindra Kr Rai, Advocate
For the Respondent/s	:	Mr. SA Khan, SC 25
for NHAI	:	Mr. SN Pathak and Mr S. Nikunj, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-01-2024 Heard the parties.

2. Writ petition has been filed for directing the respondent authorities for enhancing the claim amount of land acquired by the Government.

3. Learned counsel for the respondents submits that the petitioners have statutory alternative remedy under Section 3-G (5) of the National Highway Act of 1956.

4. Section 3G(5) of the Act reads as under:-

“If the amount determined by the competent authority



under sub-section (1) or sub-section (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.”

5. Section 3-G (6):- “Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.”

6. Learned counsel for the petitioners does not controvert the aforesaid facts.

7. Considering the aforesaid provision, the prayer made by the petitioners for enhancing the compensation as awarded for acquisition of the land for National Highway to be on the lower side can be best examined by the competent authority and thereafter through arbitration.

8. If such an application is moved by the petitioners, the same shall be entertained and the order shall be passed expeditiously, preferably within a period of one year from the date of receipt/production of this order.

9. With the aforesaid observation, this writ petition is disposed of.

(Prabhat Kumar Singh, J)

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