

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3354 of 2024

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1. Sanjay Kumar Singh, Male, aged about 53 years, son of Late Suchit Narayan Singh, resident of Shyampur, Bhanta Pokhar, P.S. Siwan Muffasil, District-Siwan,
 2. Vijay Kumar Singh, Male, aged about 68 years, S/o Late Jagarnath Singh, resident of village- Titara, P.S.-Mairwa, District- Siwan,
 3. Anita Devi, Female, aged about 42 years, W/o Munna Prasad, resident of Bhanta Pokhar, P.S. Siwan Muffasil, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Patna,
2. The Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Patna,
3. The District Magistrate-cum-Collector, Siwan,
4. The District Land Acquisition Officer, Siwan,
5. The Circle Officer, Siwan Sadar,
6. The Chief General Manager, Regional Office, National Highway Authority of India, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satyendra Rai, Advocate
For the Respondent/s	:	Mr. Ravindra Kumar, AC to AAG-6
For the NHAI	:	Mr. Dr. Anand Kumar, Advocate Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-06-2024 Heard learned counsel for the petitioner, state as also the NHAI.

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

(i) for direction to the respondent authorities to calculate the compensation amount of the land/plots of the petitioners under the commercial head instead of agricultural/ residential head/rate as calculated vide different



notices dated 26/12/2023 (Annexure-5 series) issued to the petitioners under section 3E of National High Way Act, 1956 under Siwan District in Land Acquisition Case No. 32/2023-24 (for Ramjanaki Path Pariyojana NH-227A) as per the physical existence of the lands/plots keeping in view of the sale deeds of the land/plots of petitioners upon which stamp duty has been paid as per commercial rate fixed by the government for the lands purchased by the petitioners situated at Siwan-Mairwa (S.H.) main road under Mauza Akhainiya;

(ii) for direction to the respondent authorities to make separate compensation to the commercial plots of the petitioners situated at Siwan-Mairwa (S.H.) main road of near J.N.S. Public School which is under acquisition process for construction of Ramjanaki Path NH227A in L.A. Case No. 32/2023-24;

(iii) for direction to the respondent authorities not to start construction of Ramjanaki Path NH227A till awarding compensation under Commercial head for commercial plots and under residential heads for the residential plots;

(iv) for direction to the respondents to calculate the compensation amounts under land acquisition process under commercial/ residential heads individually giving details of area which has been included under acquisition for a particular person instead of combined notice (Annexure-5



series) for obtaining compensation amount in Land Acquisition Case No. 32/2023-24.

3. Learned counsel for the petitioners, after some argument, candidly submit that once the award has been prepared, they have statutory remedy under Section 3G(5), of the National Highway Act, 1956 by moving before the Arbitrator -cum- Divisional Commissioner, Siwan.

4. It is his submission that they shall be approaching the concerned Arbitrator within a period of four weeks.

5. This writ petition stand disposed of granting liberty to the petitioner to move before the Arbitrator.

6. In case, they approach the Arbitrator within a period of four weeks from today, the Authority while disposing of the limitation petition will take into consideration that the writ petition was pending before this Court.

(Rajiv Roy, J)

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