

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4678 of 2024

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1. Rampravesh Singh S/o Late Saryu Singh, resident of Village-Shyampur (Shampur), Bhanta Pokhar, P.S.-Siwan Muffasil, District-Siwan.
 2. Anil Kumar Singh, S/o Anirudh Singh, resident of Village-Shyampur (Shampur), Bhanta Pokhar, P.S.-Siwan Muffasil, District-Siwan.
 3. Shriram Singh, S/o Chandraika Singh, resident of Village-Shyampur (Shampur), Bhanta Pokhar, P.S.-Siwan Muffasil, District-Siwan.
 4. Baliram Singh, S/o Ramnaresh Singh, resident of Village-Shyampur (Shampur), Bhanta Pokhar, P.S.-Siwan Muffasil, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and 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. Sarvesh Kumar Singh, AAG-13
		Mr. Abhinaw Alok, SC to AAG-13
For NHAI	:	Ms. Soni Shriwastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-06-2024 Heard the parties.

2. The petitioners have prayed for the following
reliefs:

*(i) for direction to the respondent
authorities to calculate the
compensation amount of the*



land/building of the petitioners under the commercial head instead of residential head/rate as calculated vide notice dated 08.01.2024 (Annexure-5) issued to the petitioners under section 3E of National High Way Act, 1956 under Siwan District in Land Acquisition Case No. 30/2023-24 (for Ramjanaki Path Pariyojana NH- 227A) as per the physical existence of the lands/building keeping in view of the M.V.R. of the land/building of petitioners upon which stamp duty has been fixed as per commercial rate by the government situated at Siwan- Mairwa (S.H.) main road under Mauza Shampur;

(ii) for direction to the respondent authorities to make separate compensation to the commercial plots along with building of the



petitioners situated at Siwan-Mairwa (5.11.) main road which is under acquisition process for construction of Ramjanaki Path NH227A in L.A. Case No. 30/2023-24;

(iii) for direction to the respondent authorities not to start construction of Ramjanaki Path NH227A till awarding compensation under Commercial head for commercial plot/ along with building of the petitioners;

(iv) for any other relief/reliefs as your lordship may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the petitioners after some argument accepts that as per the communication dated 8.1.2024 made by the Competent Authority cum District Land Acquisition Officer, Siwan in Land Acquisition Case No. 30/2023-24, the remedy lies by approaching the Arbitrator cum



Divisional Commissioner, Saran at Chapra.

4. Learned State Counsel has no objection.

5. Section 3G(5) of the National Highways Act, 1956 allows an aggrieved party to approach the Arbitrator cum Divisional Commissioner.

6. In that background, the writ petition stands disposed of granting liberty to the petitioners to approach the Arbitrator cum Divisional Commissioner, Saran at Chapra in next four weeks.

7. If the said petition is preferred in stipulated time, as stated above, the Authority shall consider the limitation petition, if any, considering that the writ petition was pending before this Court.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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