

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3969 of 2024

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1. Surendra Singh S/o Late Rupnarayan Singh Resident of Village- Shyampur, Bhanta Pokhar, P.S.- Siwan Muffasil, District- Siwan.
 2. Upendra Singh Son of Late Rupnarayan Singh Resident of Village- Shyampur, Bhanta Pokhar, P.S.- Siwan Muffasil, District- Siwan.
 3. Akhileshwar Kumar Singh S/o Late Rupnarayan Singh Resident of Village- Shyampur, Bhanta Pokhar, P.S.- Siwan Muffasil, District- Siwan.
 4. Mirtunjay Kumar Singh S/o Late Rupnarayan Singh Resident of Village- Shyampur, Bhanta Pokhar, P.S.- Siwan Muffasil, District- Siwan.
 5. Mosaheb Singh S/o Late Yadunandan Singh Resident of Village- Shyampur, 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, Adv.
For the N.H.A.I.	:	Dr. Anand Kumar, Adv.
		Mr. Rajan Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2024 Heard the parties.

2. The present writ petition has been filed for the
following relief(s):-

*(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 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/plots keeping in view of the M.V.R. of the land/plots 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 compensation to the commercial plots of the petitioners situated at Siwan-Mairwa (S.H.) 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 plots and under residential/ agricultural heads for the residential plots.

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 stands disposed of granting liberty to the petitioners 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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