

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8837 of 2016

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Gagan Singh Son of Late Ramjas Singh, Resident of village- Varej, Post-
Kauree Ram, P.S. Mohaniya, District- Kaimur, Bhabua

... .. Petitioner/s

Versus

1. The Union Of India
2. The Deputy Secretary, Ministry of Road Transport and High Ways,
Government of India, New Delhi. null null
3. The National Highways Authority of India through its Chairman- Cum-
Secretary, Ministry of Shipping
4. The Project Director, National Highway Authority, D.I.G. Colony, Maqbool
Alam Road, Varanasi, U.P.
5. The District Land Acquisition Officer-Cum- Competent Authority, Kaimur
Bhabua
6. The Additional Collector-cum-Arbitration, Kaimur, Bhabhua null null

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. S.K. Mandal, SC -3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-02-2024 No one appears on behalf of the petitioner though Mr.

Sunil Kumar Mandal, learned Standing Counsel No. 3 is

present.

*The present writ petition has been filed
for setting aside the order dated 21-3-15 passed by
A.D.M.- Cum- Arbitrator, Kaimur (Bhabhua)
Whereby and where under the learned arbitrator
has rejected the claim of the petitioner to calculate
the value of acquired land in dispute at the rate of
commercial in place of residential. And/Or Pass
such order/ orders which the court thinks the*



petitioner entitled for That the petitioner has not earlier filed any such writ application assailing the impugned order.

2. Mr. Mandal submits that it is true that for six lane of National Highway-2, the land of the petitioner was acquired, no commercial activity was found by the Six Men Committee headed by the Collector, Kaimur and as such, his demand is unjustified. However, the counter affidavit fails to narrate whether the surrounding lands have been declared commercial or not. If the other surrounding lands have been declared commercial, the petitioner's land cannot be singled out only because there was no commercial activity.

3. The next contention of Mr. Mandal, learned counsel is that as per his own prayers, he wants recalculation which can be taken care under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth for short 'the Act')

4. In view of the fair submission put forward by the learned State Counsel, the writ petition stands disposed of with a direction to the petitioner to move before the Collector, Kaimur at Bhabua/competent authority within a



period of eight weeks from today.

5. If such proper representation with supporting documents are filed, the same shall be taken to its logical conclusion within a period of six months from the filing of the representation.

(Rajiv Roy, J)

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