

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5485 of 2023

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Bhola Singh Son of Late Hriday Narayan Singh Resident of village- Bairi,
P.O-Gehwa, District- Bhabua (Kaimur).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The State of Bihar through the Collector, Bhabua, Kaimur.
3. The Deputy Collector Land Reforms-cum-Competent Authority for Land Acquisition Under National Highway Act,1956 having its office at Bhabua (Kaimur).
4. The Anchal Adhikari Chand Anchal, District- Bhabua(Kaimur).
5. Project Director, P.I.U, Aurangabad, National Highways Authority, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satish Kumar Sinha
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25
		Mr. S. N. Pathak
		with Mr. Saurabh Nikunj
		Dr. Maurya Vijay Chandra
		with Mr. Gaurav Govinda

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for following
reliefs:-

A. To exclude the land of the petitioner
appertaining to Plot No. 800 under Khata No.234
Area 0.0105 hectares, Plot No. 818 under Khata
No.151 Area 1.8434 hectares and Plot No.832 under
Khata No.232 Area 0.0001 hectares situated at
Mouza -Bairi, Revenue Thana No.194, P.O.-Gehwa,
P.S.- Chand, District -Bhabua (Kaimur) from the
Notification issued under Section 3D of the National



Highway Act, 1956 published on 25th February 2023 in Dainik Jagaran (Hindi News Paper) for acquisition for the purpose of the construction of Greenfield Expressway/Highway under the Bharat Mala Project -II (Varanasi -Ranchi -Kolkata Road Construction).

B. To quash the order dated 07.02.2023 passed by the respondent no.3/ Deputy Collector Land Reforms in Abhilekh Vaad Sankhya 16/2022-23 and direct him to decide the nature of the land in question afresh after proper verification of the documents related to the land in question as well as conducting spot enquiry in presence of the petitioner.

3. At the very outset, learned counsel for the respondents / State raises preliminary objection to the effect that petitioner has got alternative remedy with regard to insufficiency of compensation amount, by way of filing appropriate application under Section 3G(5) of the National Highways Act, 1956 before the Arbitrator-cum-Divisional Commissioner, which reads as follows:

“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.”

4. In this view of the matter, the present writ petition is disposed of directing the petitioner to file a fresh representation along with a copy of this order before the Arbitrator-cum-Divisional Commissioner, Bhabua (Kaimur) raising all his points, who shall examine his representation and pass appropriate order, after hearing the parties, in accordance with law.

5. It goes without saying that if any question of limitation arises before the authority concerned, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

6. Writ application stands disposed of with the aforesaid observations.

(Prabhat Kumar Singh, J)

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