

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5489 of 2023

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Shubham Kumar Singh Son of Shri Sanjay Singh, Resident of Village-
Auriyan, P.O. and P.S.-Chand, District-Bhabua (Kaimur), at present Resident
of Maruti Nagar, Soar Govardhanpur, Varanasi (Uttar Pradesh).

... .. 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 Highway Authority, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satish Kumar Sinha
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
		with Mr. Saurabh Kumar, AC to SC-19
		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.62 Area 0.966 hectares, Plot No.64 Area 0.1283 hectares, Plot No.65 Area 0.5272 hectares, Plot No.148 Area 0.2536 hectares & Plot No.149 Area 0.0397 hectares under the Khata No. 24 situated at Mouza -Auriyan, Revenue Thana No.36, P.O.& P.S.- Chand, District -Bhabua



(Kaimur) from the Notification issued under Section 3D of the National Highway Act, 1956 (Hereinafter referred to as "the Act") 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 Deputy Collector Land Reforms in Abhilekh Vaad Sankhya 17/2022-23 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



subsection (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 directions.

(Prabhat Kumar Singh, J)

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