

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5670 of 2023**

Aman Kumar Singh Son of Shri Sanjay Singh Resident of Village- Auriyan,  
P.O. and P.S.- Chand, District- Bhabua (Kaimur) at present Resident of Matri  
Nagar, Near N.H.- 2, Bypass, 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).

... .. Respondent/s

**Appearance :**

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

**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.110 Area 0.247 hectares, Plot No.115 Area 0.1854 hectares, Plot No.116 Area 0.2408 hectares. Plot No.117 Area 0.0614 hectares. Plot No.118 Area 0.1023 hectares, Plot No.119 Area 0.1704 hectares, Plot No. 145 Area 0.444 hectares, Plot No.146 Area 0.2208 hectares & Plot No.147 Area 0.238 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 published on 25<sup>th</sup> February 2023 in Dainik Jagaran (Hindi News Paper) for the acquisition for the purpose of the construction of Greenfield Expressway/Highway under the Bharat Mala Project -II (Varanasi -Ranchi -Kolkata Road Construction). after getting its production

B. To quash the order dated 07.02.2023 passed by the respondent Deputy Collector Land Reforms in Abhilekh Vaad Sankhya 18/2022-23 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 observations.

**(Prabhat Kumar Singh, J)**

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