

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10994 of 2021

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Awadhesh Prasad Singh, S/o Kamla Prasad Singh, Resident of Village-
Bahlola, P.O.-Dadhapi, P.S.-Madanpur, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Road Transport and Highways, New Delhi.
2. The Principle Secretary Revenue Department, New Secretariat, Govt. of Bihar.
3. The State of Bihar through District Magistrate Aurangabad.
4. The Competent Authority cum District Land Acquisition Officer (the designated Collector), Aurangabad.
5. The Additional Collector cum Enquiry Officer, Aurangabad.
6. The Deputy Collector Land Reforms cum Land Acquisition Officer, Aurangabad.
7. The Circle Officer Madanpur, District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey- Advocate Mr. Kumar Gaurav- Advocate Mr. Shashank Kashyap- Advocate
For Union of India	:	Dr. K.N. Singh (ASG) Mr. Arjun Kumar- C.G.C.
For the State	:	Mr. A.G. Mr. Rajkishore Roy GP-18 Shri Nath Pathak

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-10-2024 1. Heard learned counsel for the petitioner, learned counsel for the Central Government Counsel and learned AC to GP-18 for the State.

2. The learned counsel for the petitioner submits that the instant writ application has been filed seeking a direction upon the respondents to pay compensation to the petitioner for demolishing the residential-cum-commercial building of the



petitioner situated over amalgamated area of C.S. Khata No.52, C.S. Plot No.1563, Area 01 decimal, C.S. Khata No. 261, C.S. Plot No.1564, Area $\frac{1}{2}$ decimal.

3. The learned counsel for the petitioner submits that a counter-affidavit has been filed on behalf of the respondent nos.3, 4, 5 and 7 and from perusal of the same, it manifests that during pendency of the writ application, the compensation which the petitioner is seeking in the present writ application stands rejected by the D.L.O., Aurangabad by his order dated 12.07.2022 against which the petitioner also moved in appeal before the Collector, Aurangabad by filing Appeal No.114 of 2022 and the same came to be rejected by an order dated 08.08.2024.

4. The learned counsel for the petitioner submits that the land was acquired for expanding NH-2 and under the National Highways Act, 1956, provisions are incorporated that as to how compensation is to be adjudicated. It is next submitted that in terms of the National Highways Act, 1956, the Collector is not the Appellate Authority rather **Section 3-G(5)** of the National Highways Act, 1956 incorporates that:- *“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.”

5. It is submitted that the Central Government by notification has notified the Divisional Commissioner as the arbitrator.

6. It is next submitted that though the D.L.O. has rejected the claim of the petitioner, but then, the rejection is based on baseless ground, as such, the petitioner will move before the Commissioner for getting the dispute adjudicated.

7. The the learned counsel appearing on behalf of the State also does not dispute the said submission of the learned counsel appearing on behalf of the petitioner.

8. At this stage, the learned counsel for the petitioner seeks permission to withdraw the instant writ application with liberty to the petitioner to move before the Divisional Commissioner for getting the dispute adjudicated.

9. Permission is accorded.

10. Accordingly, instant writ petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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