

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7814 of 2022

1. Md. Yussouf Ali Son of Mohiruddin Resident of Mohalla-Halim Chowk, Masjid Gali, P.S.-Kishanganj, District-Kishanganj.
2. Motiur Rahman Son of Shis Mohammad Resident of Mohalla-M.Y. Complex Masjid Gali, Halim Chowk, District-Kishanganj.
3. Mahboobur Rahman Son of Yussouf Ali Resident of Mohalla-Halim Chowk, Masji Gali, P.S kishanganj, District-Kishanganj.
4. Muzammil Haque, Son of Abul Hussain Resident of Mohalla-Halim Chowk, P.S kishanganj, District-Kishanganj.
5. Md. Nisar Ahmad Son of Md. Aklaque Ahmad Resident of Village-Mohammadia, P.S.-Dagarua, District-Purnia.
6. Shabana Mumtaz D/o-Mumtaz Alam Resident of Mohalla-Dyochari Road, P.S.-Kishanganj, District-Kishanganj.
7. Md. Abdullah Son of Abdi Qaiyum Resident of Mohalla-Purna Khagara, Bilaiti, Bari Hazi Basti, P.S.-Kishanganj, District-Kishanganj.
8. Obaidullah Son of Abdul Qaiyum Resident of Mohalla-Purna Khagara, Bilaiti Bari Hazi Basti, P.S.-Kishanganj, District-Kishanganj
9. Md. Habibullah Son of Abdul Qaiyum Resident of Mohalla-Purna Khagara, Bilaiti Bari, Hazi Basti, P.S.-Kishanganj, District-Kishanganj.
10. Kumar Saurabh Son of Shrawan Kumar Sah Resident of Mohalla-Khagra, P.S.-Kishanganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Road Transport and Highways, New Delhi.
2. The State of Bihar through the Addl. Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Chairperson, National Highway Authority of India, New Delhi.
4. The Addl. Chief Secrerary, Road Construction Department, Government of Bihar, Patna.
5. The Regional Officer, NHAI, Bihar, Patna.
6. The District Magistrate Cum Collector, Kishanganj.
7. The Additional Collector Cum Chairman of Six Men Committee, Kishanganj.
8. The District Land Acquisition Officer Cum Member of Six Men Committee, Kishanganj.
9. The Deputy Collector (Land Reforms) Cum Member of Six Men Committee, Kishanganj.
10. The District Sub Registrar Cum Member of Six Men Committee, Kishanganj.



11. The Executive Officer, Nagar Parishad Kishanganj Cum Member of Six Men Committee, Kishanganj.
12. The Project Director, NHAI, Purnia, Cum-Member of Six men Committee Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioners	Mr. D K Sinha, Senior Advocate Mr. Girish Chandra Jha, Advocate Ms.Akanksha Malviya, Advocate
For the State	:Mr.K.Alam, AAG 12 & Smt Nutan Sahay, Advocate
for the NHAI	Mr. SN Pathak and Mr. S.Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-01-2024 Heard the parties.

2. Writ petition has been filed for setting aside the report/recommendation dated 27.07.2021 submitted by the Six Men Committee, Kishanganj, who, without any logical explanation has decided the classification/nature of the land of the petitioners as "developing", with respect to land mentioned in the writ petition. Petitioners have also prayed for quashing the initial notification under section 3A of NH Act, "1956 published in the Gazette of India vide S.O. No. 3763(E) dated 15.09.2021 & final notification under section 3D of NH Act, 1956 published in the Gazette of India vide 5.0. No. 732(E) dated 16.02.2022, based on the report dated 27.07.2021 of Six Men Committee. Petitioners have further prayed for setting aside the order dated 29.10.2021 and 02.11.2021 passed by the District Land Acquisition Officer, Kishanganj and for staying the further LA proceedings with respect to Kishanganj Bahadurganj (Package-3) road project, during the pendency of the present writ petition. Petitioners have lastly prayed for a direction to the respondent authorities to constitute a fresh Six Men Committee for classification of said land afresh.



3. Learned counsel for the respondents submits that the petitioners have statutory alternative remedy under Section 3-G (5) of the National Highway Act of 1956.

4. Section 3G(5) of the Act reads as under:-

“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. Section 3-G (6):- “Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.”

6. Learned counsel for the petitioners does not controvert the aforesaid facts.

7. Considering the aforesaid provision, the prayer made by the petitioners for enhancing the compensation as awarded for acquisition of the land for National Highway to be on the lower side can be best examined by the competent authority and thereafter through arbitration.

8. If such an application is moved by the petitioners, the same shall be entertained and the order shall be passed expeditiously, preferably within a period of one year from the date of receipt/production of this order.

9. With the aforesaid observation, this writ petition is disposed of.

(Prabhat Kumar Singh, J)

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