

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3474 of 2021

1. Haribansh Narayan Sinha Son of Sri Ram Swaroop Sinha Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
2. Ravi Shankar Giri Son of Late Dukh Haran Giri Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
3. Lila Devi Wife of Sri Sunil Kumar Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
4. Narayaan Prasad Son of Late Lakhan Prasad Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
5. Ram Pravesh Sharma Son of Late Bakhori Singh Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
6. Sunaina Devi Wife of Sri Ram Naresh Prasad Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
7. Surya Deo Narayan Singh Son of Late Kalicharan Singh Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
8. Gopal Prasad Son of Ramanand Singh Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
9. Kanti Devi Wife of Late Ashok Kumar Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
10. Yaduvir Prasad Son of Choba Ram Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
11. Shakti Kumar Mani Son of Late Shiv Bhajan Singh Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
12. Tileshwari Devi Wife of Bacchu Paswan Resident of Village- Mai, Police Station- Kako, District- Jehanabad.
13. Ram Prasad Singh Son of Bindeshwar Singh Resident of Village- Mai, Police Station- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Road, Transport and Highways, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi- 110001.
2. The Chairman, The National Highways Authority of India, G, 5 and 6, Sector-10, Dwarka, New Delhi- 110075.
3. The Project Director, The National Highways Authority of India, First Floor, D-63, Shri Krishnapuri Colony, Police Station- Shri Krishnapuri, District- Patna- 800001.
4. The Project Director, The National Highways Authority of India, N.H.- 83, Gaya Unit, Chanakyapuri Colony, Gaya.
5. The District Magistrate cum Collector, Jehanabad.
6. The District Land Acquisition Officer, Jehanabad.



7. The Circle Officer, Kako, Jehanabad.
8. The Additional Collector cum Arbitrator, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the U.O.I. : Mr. Alok Kumar, Adv.
For the N.H.A.I. : Dr. Maurya Vijay Chandra, Adv.
Mr. Gaurav Govinda, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 29-04-2024 Heard the parties.

2. The present writ application has been filed for the following relief(s):-

(a) issuance of an appropriate writ in the nature of Mandamus commanding the respondents to pay the compensation amount to the petitioners at the new circle rate which has been declared Residential and has been acquired by the respondents for constructing/widening the Patna-Gaya-Dobhi Road-NH-83 but compensation amount has not been paid as yet.

(b). issuance of an appropriate writ/ writs/order/ orders/ direction/ directions directing the respondents to prepare the Award at new circle rate on residential rate for payment of compensation amount to the petitioners whose land has been acquired by the respondents for widening the N.H.-83, Patna- Gaya-Dobhi Road.

(c). issuance of an appropriate order



holding the respondents accountable in public law for sitting on the rights of the petitioners and non-discharge of their statutory obligations for indefinite period and for an appropriate order/direction commanding the respondents to pay interest of the delayed period to the petitioners.

(d) to grant such other consequential relief or relieves as the petitioners are found entitled to in the facts and circumstances of the case.

3. Finally, the N.H.A.I. decided to file a counter-affidavit on behalf of respondent nos. 3 and 4 which is on record.

4. It has been averred in paragraph no. 8 that aggrieved by the order of the Arbitrator in Case No. 23 of 2015-16, the N.H.A.I. has filed Miscellaneous Case No. 21 of 2018 availing Section 34 of the Arbitration and Conciliation Act, 1996 which is pending before the learned District and Sessions Judge, Jehanabad.

5. Learned counsel for the petitioners made two fold submissions:-

(i) the N.H.A.I. is not pursuing the matter which reflects from the fact that the Miscellaneous Case preferred in 2018 has



not been taken to its logical conclusion.

(ii) the amount determined has not been deposited with the competent authority as per Section 3(H) of the N.H.A.I. Act, 1956.

6. Learned counsel appearing on behalf of the N.H.A.I. submits that though he has no personal knowledge, it must have been deposited with the competent authority.

7. Section 3(H) of the N.H.A.I. Act, 1956 reads as follows:-

“3H. Deposit and payment of amount.—

(1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the



apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the 5 dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent, per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of subsections (2) to (4) shall apply to such deposit.”

8. Both the points raised by the petitioners is/are valid. The N.H.A.I. after filing the miscellaneous case in the



year 2018 cannot delay its disposal preventing the petitioners from getting the fruits which should have been given to them long ago. Secondly, if the amount has not been deposited before the competent authority, as claimed by the petitioners, the same has to be deposited.

9. In that view of the matter, with the consent of the parties, the present writ application stands disposed of directing the learned District and Sessions Judge, Jehanabad to take the Miscellaneous Case No. 21 of 2018 preferred by the N.H.A.I. against the Arbitrator's order dated 25.01.2017 in Case No. 23 of 2015-16 to its logical conclusion without any further delay and preferably within a period of 6 months from the date, the copy of the order is provided to the said Court.

10. Further, the N.H.A.I. shall see to it that the amount determined by the Arbitrator is submitted before the competent authority, if still not been deposited.

11. With this direction, the present writ application stands disposed of.

(Rajiv Roy, J)

sadique/-

U			
---	--	--	--

