

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1331 of 2023

In

Civil Writ Jurisdiction Case No.2894 of 2020

Arvind Kumar Shahi S/o Chandeshwar Singh, R/o Village- Repura, P.O.-
Baijanthpur, Via- Hisua, District- Nawada, State- Bihar, Pin code- 805103,
India.

... .. Appellant/s

Versus

1. The Union of India
2. The Ministry of Road Transport and Highways, Government of India,
Central Secretariat, New Delhi, through its Secretary.
3. The Ministry of Rural Development, Government of India, Central
Secretariat, New Delhi, through its Secretary.
4. The Department of Revenue and Land Reforms, Government of Bihar, Old
Secretariat, at Patna, through its Secretary.
5. The Collector, District- Nawada (Bihar), Posted at Collectorate, Nawada.
6. The Land Acquisition Officer, District- Nawada (Bihar), Posted at Collector,
Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar Shahi (In Person)
For the Respondent/s	:	Dr. K. N. Singh, ASG
		Mr. Mukesh Kumar, CGC
		Mr. Abhijeet Gautam, JC to ASG
		Mr. Shivaditya Dhari Singh, JC to ASG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-03-2024

The petitioner is aggrieved with the low
compensation paid to him on a land, said to have been acquired
by the National Highway Authority.



2. The learned Single Judge permitted the petitioner to withdraw the application and move the arbitrator within 30 days. The arbitrator was also directed to decide the matter within four months and pass a reasoned and speaking order in accordance with law. The arbitrator was further directed to consider the submissions of the petitioner including applicability of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity 'Act 30 of 2013').

3. The petitioner, who appeared in person, submitted that the acquisition was made under Act 30 of 2013 and that it bars the remedy of the Civil Court. The petitioner contends that the market value of the property has not been awarded and that he has no other remedy other than to approach this Court. It is also asserted that he never sought for approaching the arbitrator and that the learned Single Judge ought to have decided the issue.

4. The learned Senior Standing Counsel for National Highways pointed out that though the proceedings for acquisition is taken under Act 30 of 2013, the resolution of disputes would be under the National Highways Act, 1956. If the person whose land has been acquired, has an objection with



respect to the amounts determined by the competent authority then under Section 3G(5) of the Act, an application is to be made for determination of the reasonable amount by the arbitrator appointed by the Central Government. It is also pointed out that if there is any dispute as to the apportionment of amount, then the competent authority refers the dispute to the decision of the Principal Civil Court of Original Jurisdiction within whose jurisdictional limits the land is situated, as per Section 3H(4).

5. The petitioner, who appeared in person since vigorously argued that there was no permission sought to approach the arbitrator nor was he willing to accept the impugned judgment, we heard the writ petition itself.

6. At the outset, we have to say that there are no details of the land referred to in the writ petition and the documents produced are the notices issued under Section 37(2) of Act 30 of 2013. The petitioner also has a contention that in some of the notices despite the petitioner having been shown as owner in the revenue records, notice has been issued to some other person. Even with respect to lands against which the petitioner was issued with a notice, the market value was not paid.



7. Both the situations argued by the petitioner are covered by the National Highways Act. If there is a dispute with respect to inadequacy of amounts, then the petitioner has to make an application under Section 3G(5). The arbitrator appointed by the Central Government while determining quantum of compensation, as per sub-Section (7) of Section 3G has to reckon the market value of the land, the damage, if any caused, by severance of any other land belonging to the same person, the damage caused by injurious affectation to other immovable property and the consequences of the person being compelled to change his residence or place of business, the reasonable expenses incidental to the change, also being possible of determination. Hence, there is a comprehensive dispute resolution mechanism provided by the National Highway Act, where the petitioner has to produce the evidence to substantiate the market value claimed.

8. In the present writ petition but for asserting that the market value claimed was not awarded, there is nothing produced to substantiate the market value of the locality nor is there, even an averment about the compensation fixed by the competent authority or claimed by the petitioner.

9. Insofar as the notice issued to other persons



with respect to his land, again a mechanism is provided under Section 3H(4). The petitioner would be entitled to raise a claim before the competent authority which would also be referred to and decided by the Principal Civil Court of competent jurisdiction.

10. We find absolutely no reason to interfere with the judgment of the learned Single Judge, which is in consonance with the National Highways Act. There cannot be any computation of damages, compensation or market value in a writ petition under Article 226, nor is it possible to decide questions of title, all of which will have to be determined on evidence adduced. The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

sharun/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.03.2024
Transmission Date	

