

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14583 of 2018

=====

Sabara Khatoon Wife of Late Umardaraj Mia R/V-Silaonja PS-Belagang Dis.-
Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through Collector Gaya.
2. The District Land Acquisition Officer, Gaya.
3. Project Manager, NH Authority Implementing Unit, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Nagendra Sharma, Advocate
For the State	:	Mr. Sajid Salim Khan (SC-25), Sr. Advocate
For the Resp. no.3	:	Mr. Dr. Maurya Vijay Chandra, Advocate
		Ms. Preety Ranjan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 28-01-2025 Heard Learned Counsel for the petitioner, Learned Senior Counsel for the State and Learned Counsel for Respondent no.3.

2. The present writ petition has been filed for directing the respondent authorities to refund the reduce amount of the house of the petitioner which is going to be demolished in extension of NH-83 at Silonja, Belaganj (Gaya).

3. Learned Counsel for the petitioner submits that the authority concerned has initially prepared the award at higher value, but subsequently, not paid the said amount, rather, paid the lesser amount which was fixed earlier. Therefore, he submits that authority has no power to initially fix the higher amount



and subsequently, fix the lower amount. Counsel further submits that petitioner is a poor person and she was unaware about the intricacies of law, and therefore, directly moved before this Hon'ble Court praying that the amount which was earlier fixed be provided to the petitioner. In this regard, petitioner has filed representation before the District Land Acquisition Officer, Gaya and prays that D.L.A.O, Gaya be directed to pass order afresh completely in accordance with law following the principles laid down under section 33 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no.30 of 2013).

4. Learned Senior Counsel for the State on the other hand submits that whatever be the argument made by the Counsel for the petitioner is not on record and he has orally observed. There is nothing on record by virtue of which he can show that earlier, higher amount has been fixed and later on, lesser amount has been fixed. But on the other hand, Senior Counsel submits that whatsoever amount be fixed by the competent authority under the National Highways Act, 1956 (Act no.48 of 1956) (hereinafter referred to as 'Act of 1956') that can be challenged under section 3-G (5) of the Act of 1956 by either of the parties according to whom, the said amount was



not acceptable.

5. In the light of the submissions made by the parties, this Court hereby grants liberty to the petitioner to move before the Arbitrator-cum-Commissioner under section 3-G (5) of the Act of 1956 within 60 days from the date of passing of this order and Commissioner is directed to pass a reasoned and speaking order hearing both the parties considering all the points which the petitioner shall raise before him along with the order passed by this Court.

6. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

U			
---	--	--	--

