

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3741 of 2019

Radhey Shyam Prasad S/o Late Rama Nand Prasad Vill.- Karpura, Tole- Ram Nagar, Po.- Amlori, Ps.- Siwan Muffasil, Distt.- Siwan

... .. Petitioner/s

Versus

1. The Union Of India and Ors through the Director, National Highways Authority, Govt. of India, Project Unity, NH-85
2. The State of Bihar through the Director, Land Acquisition, Finance and Land Reform, Govt. of Bihar, Bihar, Patna
3. The District Collector Siwan
4. The District Land Acquisition Officer Siwan
5. Th Sub-Divisional Officer Siwan Sadar, Distt.- Siwan
6. The Circle Officer Block Sadar Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Maheshwar Prasad, Adv.
For the State	:	Mr. Saurabh Kumar, Adv. AC to SC 19
For the NHAI	:	Dr. Maurya Vijay Chandra, Adv. Mr. Gaurav Govinda, Adv. Mrs. Preety Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 20-02-2025 Learned Counsel for the petitioner, Learned Counsel for the State and Learned Counsel for the National Highway Authority of India are present.

2. The present writ petition has been filed for directing the respondent to pay enhanced compensation amount according to Sections 26 and 27 of the RFCTLARR (Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013) [Act No. 30 of 2013] {hereinafter referred to as RFCTLARR Act}.

3. Learned Counsel for the petitioner submits that the petitioner's land has been acquired for the purpose of widening of NH-85.



4. Learned Counsel for the NHAI raised preliminary objection and submits that the remedy of the petitioner lies under Section 3G(5) of the National Highway Act, 1956 [Act No. 48 of 1956] before the arbitrator. Counsel further submits that the petitioner may be directed to avail his remedy before the said authority.

5. In the present facts and circumstances, the present writ petition stands disposed off with a direction to the petitioner to avail his remedy under Section 3G(5) of the National Highway Act, 1956 [Act No. 48 of 1956]. The petitioner shall raise the issue of enhancement of compensation in accordance with Sections 26 and 27 of the RFCTLARR Act [Act No. 30 of 2013] before the same authority, as Act No. 13 of 2013 is applicable for the determination of compensation. The petitioner is directed to file an application within 30 days from today. Any delay in filing the said application shall be condoned. The arbitrator shall pass the final order within three months from the date of completion of appearance by all concerned.

(Dr. Anshuman, J.)

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