

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7100 of 2017

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Awadhesh Prasad Singh Son of late Kameshwar Singh Resident of Village-
Kamdeo Bigha, P.O.- Jehanabad, P.S.- Jehanabad, Town and District-
Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Collector, Jehanabad.
3. The Competent Authority-cum-District Land Acquisition Officer, Jehanabad.
4. Arbitrator -Cum-Additional Collector, Jehanabad.
5. The Project Director, National Highways Authority of India Project
Implementation Unit, Gaya, Hous

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Anju Narain, Advocate Mr. Anant Kumar Sinha, Advocate
For the State	:	Mr. Md.Khurshid Alam, A.A.G.-12
For the N.H.A.I.	:	Mr. Maurya Vijay Chandra, Advocate Mr. Gaurav Govinda, Advocate Ms. Preety Ranjan, Advocate

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-03-2025 Heard the parties.

2. The present petition has been preferred for the
following relief(s):-

*(i) Issuance of an appropriate writ
including a writ in the nature of writ of mandamus
commanding the respondents to forthwith duly
compute and pay the amount of compensation to
the petitioner on account of acquisition of his lands
of Thana no. 382- (I) Khata no. 29 (Old) 159
(New) Khesra (survey plot) nos. 198 (Old) 1195
(New) and (II) Khata no. 16 (Old) 159 (New)*



Khesra no. 199 (Old) 1195 (New) measuring 0.237 Hqs. and 0.300 Hqs. respectively situated in the North Raza Bazar Patel Nagar area of Daulatpur Mohalla of Jehanabad Town which had been acquired for construction and widening of road of NH 83 (Patna Gaya - Dobhi section).

(ii) Issuance of an appropriate writ including a writ in the nature of writ of certiorari quashing the impugned notices dated 06.05.2014 issued by respondent Collector, Jehanabad, (contained in Annexure 6 series) in case no. 23/2009 by which it was intimated that in respect of said "plot no. 198 measuring 58.5627 decimals (Agricultural)" and said "plot no. 199 measuring 74.1300 decimals (Agricultural)", sums of Rs. 4,88,890.81 and Rs. 6,18,849.13 respectively would be payable on completion of formalities. which are not only grossly undervalued but wrongly described as "agricultural" whereas (i) they are commercial and residential, and (ii) even the total area of the 2 plot nos. 198 and 199 shown in the impugned notifications is only 1.32 acres (approx.) as against the actual area of 1.43 acres for which documents are already on record of the respondents, and further (iii) when the government rate itself for the said lands for commercial is Rs. 5.80 lac per decimal and for residential it is Rs. 4.90 lac per decimal meaning thereby that the total amount of compensation would be not less than Rs. 10 crore even according to the government rate



and yet the respondents had shown a paltry sum of Rs. 11 lac which is almost 1/100 th of the actual compensation.

(iii) Issuance of an appropriate writ including a writ in the nature of writ of certiorari quashing the orders of the respondent Arbitrator cum Additional Collector, Jehanabad, passed in Arbitration case no. 262/16 and 263/16 both dated 29.09.2016 (contained in Annexures 11 & 12) by which the matters taken to him against the aforesaid illegal orders were arbitrarily and illegally decided against the records and materials brought before him and/or against the order passed by him in similar matter / earlier matter/proceeding.

(iv) Issuance of an appropriate writ including a writ in the nature of writ of mandamus commanding the respondents to consider that in the present matter now the provisions of the new Land Acquisition Act, i.e. "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" would be applicable according to which if the computation is done the compensation amount would be much higher than the aforementioned amount of Rs. 10 crore over and above which the interest etc. would also be payable.

(v) Issuance of any other appropriate writ(s), order(s), direction(s) as may be deemed fit and proper in the facts and circumstance of the



case.

3. Being aggrieved by the order of arbitrator (the Divisional Commissioner) passed under Section 3G(5) of National Highway Act, 1956, this writ petition has been preferred.

4. At the very outset, the learned counsel for the N.H.A.I. has submitted that the alternative remedy is available under Sub-section 2 of Section 34 of the Arbitration and Conciliation Act, 1996, the order impugned may be challenged before the competent Court.

5. The present writ petition is disposed of with the observation(s) that, if so advised, the petitioner may take recourse of alternative remedy.

(Nawneet Kumar Pandey, J)

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