

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1686 of 2025

-
1. Safir Ahmad Son of Abdul Rahman Khan Resident of - Ward 11, Bhadakala, Mohiuddinpur, Mahodipur, P.S.- Siwan Muffasil, District- Siwan.
 2. Nasir Ahmad Son of Abdul Rahman Khan, Resident of - Ward 11, Bhadakala, Mohiuddinpur, Mahodipur, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and Highway Department, Government of India, New Delhi.
2. The Secretary, Road Transport and Highway Department, Government of India, New Delhi.
3. The Deputy Secretary, Rural Works Department, National Highway, Patna.
4. The Commissioner, Saran Division, Saran.
5. The District Magistrate, Siwan.
6. The District Land Acquisition Officer, Siwan.
7. National Highway Authority of India, through the Chairman, Government of India

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Lakshmi Kumari, Adv.
Mr. Ranjeet Kumar, Adv.
Mr. Kanishk Kaustubh, Adv.
Mr. Ankesh Kumar Sinha, Adv.
Mr. Shikhar Mani, Adv.
Mr. Rajnish Prakash, Adv.

For the Respondent/s : Mr. Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-02-2025 Learned Counsel for the petitioners, Learned Counsel for the State and Learned Counsel for the Union of India representing Road Transport and Highway Department, Government of India, New Delhi are present.

2. Initially, the National Highway Authority of India



(hereinafter referred to as N.H.A.I.) was not added as a party-respondent. Therefore, Counsel for the petitioners is directed to add N.H.A.I. as Respondent No. 7 in course of the day. Since, it is an order to follow the process of law, therefore, no need to hear the N.H.A.I. at this level.

3. The petitioners have filed the present writ petition for the following reliefs:-

*i. For issuance of direction to the respondent authorities to consider and decide the objection of the petitioners submitted against wrong determination of the amount/value of compensation for their lands acquired vide Notification dated 26.09.2022 as well as Notification for declaration dated 08.06.2023 issued by the Road Transport and Highway Department, for the construction of Ramjanki Path (N.H. 227(A)) as the lands of the petitioners appertaining to **Khata No. 41, Survey/Plot (Khesra) No.-1 and Khata No. 146, Survey/Plot (Khesra) No.523,525** situated on the National Highway are developed lands filled-up with earth and surrounded with pucca boundary wall having market value akin to commercial category which is much higher than the determined amount of compensation, but, the lands categorized in*



the said notification as BHITH (Agricultural), is highly undervalued.

ii. The petitioner further prays that after considering the representations /objections, the respondent authorities be directed to determine the correct market value of the lands in question and pay the revised/increased compensation along with interest in terms of National Highway Act.

iii. Any other relief or reliefs / interim relief as your lordship may deem fit and proper.

4. Learned Counsel for the petitioners submit that the petitioners' land has been acquired under the National Highway Act, and they have received a notice under Section 3E, annexed as Annexure P/3. Counsel further submit that the petitioners are aggrieved by this notice, as according to them, the compensation amount is less and it should be enhanced.

5. Learned Counsel for the State submits that under the National Highway Act, there is a special provisions for seeking enhancement of compensation under the law.

6. It transpires to this Court that after the stage under Section 3E of the National Highway Act, the appropriate forum for seeking enhancement of compensation is before the Arbitrator under Section 3G(5). The State intimates that the



Arbitrator notified under the National Highway Act is the concerned Commissioner.

7. Accordingly, the writ petition stands disposed off granting liberty to the petitioner to file a case before the Arbitrator, raising all their grievances, including enhancement of compensation amount, measurement of land, or the nature of land, if any, within 40 days from today, along with a copy of this Court's order. The Arbitrator- cum- Commissioner is directed to pass an order on merit within 90 days after completion of appearance of the parties before him. It is made clear that order before the Arbitrator shall be passed in the presence of the N.H.A.I.

(Dr. Anshuman, J.)

Aman Kumar/-

U			
---	--	--	--

