

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3980 of 2019

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1. Chandradev Prasad S/o Late Nandu Sah Resident of Village-Sirauli Ramnagra,P.S. Riga,Dist.-Sitamarhi
 2. Rameshwar Singh S/o Late Surajdeo Singh Resident of Village-Narayanpur,P.S. Dumra,Dist.-Sitamarhi,Presently residing at Village-Kamaldah,P.S. Bathnaha,Dist.-Sitamarhi
 3. Munendra Singh S/o Late Surajdeo Singh Residing of Village-Narayanpur,P.S. Dumra,Dist.-Sitamarhi,Presently residing at Village-Kamaldah,P.S. Bathnaha,Dist.-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department,Old Secretariat,Bihar,Patna
2. The Commissioner, Tirhut Division-Muzaffarpur
3. The District Magistrate, Sitamarhi
4. The District Land Acquisition Officer,Sitamarhi
5. The Circle Officer, Bathnaha,Sitamarhi
6. The Project Director, National Highway Authority of India (N.H.A.I.) PIU Darbhanga/Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy (GP18)
For the NHAI	:	Mr. Rajesh Kumar Shandilya, Adv. Ms. Ankita Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-02-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. Learned Counsel for the petitioners submits that the
present writ petition has been filed with the following reliefs:-

*(i) For issuance of writ in the nature of
certiorari to quash the order of the Circle Officer,
Bathnaha, District- Sitamarhi (Respondent no.5)*



contained in letter no. 64 dated 12.01.2019 by which the petitioners have been summarily directed to vacate the land in question within 3 days in order to comply with the order passed by this Hon'ble Court in C.W.J.C. No. 13640/2014.

(ii) For issuance of writ in the nature of mandamus commanding the respondents to forthwith make payment of compensation to the petitioners on account of their lands being already acquired by National Highways Authority of India (N.H.A.I.)

3. Counsel for the petitioners submits that the petitioners' land have been acquired for extension of National Highway 77 *vide* Gazette Notification dated 26.10.2010. He further submits that since acquisition has been made for national highway, therefore, the provisions laid down under the National Highways Act, 1956 (Act 48 of 1956) are applicable in the present case.

4. Counsel further submits that the petitioners are interested to get the enhanced amount of compensation. It has also been mentioned that the petitioners have earlier moved before this Hon'ble Court in C.W.J.C. No.13640 of 2014 in which *vide* order dated 31.08.2017, direction was made to the Circle Officer, Riga to dispose off the representation of the petitioners within 6 weeks from the date of receipts/production



of the copy of this order.

5. Learned Counsel for the N.H.A.I. submits that under the National Highways Act, 1956 (Act 48 of 1956), (hereinafter referred as 'Act of 1956') the compensation amount shall be paid by the Competent Authority and the next Higher Authority is arbitrator and, thereafter, the Arbitration and Conciliation Act, 1996 is applicable. He further submits that the grievances of the petitioners have not fulfilled, compensation amount has not been paid to them since 2010 and they are moving from pillar to post. He further submits that the petitioners are only interested to get the enhanced compensation amount from the Competent Authority.

6. Learned Counsel for the State submits that the compensation amount of the petitioners has already deposited. It is due to laches on the part of the petitioners, they could not received the compensation amount.

7. Counsel for the N.H.A.I. submits that the remedy available to the petitioners for enhancement of amount is under section 3-G(5) of the Act of 1956 before the Arbitrator and after passing order by the Arbitrator, the payment shall be made by the Competent Authority according to Rule 3 (i) (b) of The National Highways (manner of depositing the amount by the



Central Government; making requisite funds available to the competent authority for acquisition of land) Rules, 2019.

8. Upon hearing the parties and perusal of the documents, it transpires to this Court that the petitioners have already filed an application bearing Land Acquisition Case Nos.206/2018 and 207 of 2018 before the Court of Commissioner, Muzaffarpur, who is the Arbitrator.

9. It is made clear that the methodology of fixation of price of land has been laid down under section 26 of the RFCTLARR (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013 (Hereinafter referred to as 'Act of 2013') and the Commissioner has to apply his mind with the help of Section 26 of the Act of 2013 and then, pass order and after passing the order with regard to compensation amount, the amount deposited before the Competent Authority shall be directed to be paid to the petitioner.

10. From the pleadings of the petitioners and from the counter-affidavit, it transpires to this Court that the said Land Acquisition Case Nos.206/2018 and 207 of 2018 have been pending before the Court of Commissioner, Muzaffarpur for award of compensation and in lieu of the land acquired.



11. In this view of the matter, this Court hereby disposed off the present writ petition directing the Commissioner, Muzaffarpur to pass order in the case filed by the petitioners, namely, Land Acquisition Case Nos.206/2018 and 207 of 2018 within 90 days from the date of production of this order. He shall also provide the enhanced price following the principles laid down under Section 26 of the Act of 2013 within the said period and shall assure the payment from the Competent Authority within 60 days from the date of final order, if the said order acquired finality.

12. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J.)

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