

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4073 of 2018

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Aditya Narayan Singh S/o late Jai Mangal Singh Resident of Village-Narpat
Nagar, P.S. Sakri, District Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Managing Director, National Highway Authority of India, New Delhi.
3. The Collector Madhubani Cum Chairman Five Men Committee N.H. Claim Settlement, Madhubani.
4. The Additional Collector Cum Arbitrator National Highway Authority of India, Madhubani.
5. The District Land Acquisition Officer, Madhubani.
6. The Project Director, National Highway Authority of India, Darbhanga.
7. The Commissioner, Darbhanga Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate
For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-12-2025 Learned counsel for the petitioner prays for and is

allowed to implead the Arbitrator-cum-Divisional

Commissioner, Darbhanga Division, Darbhanga as respondent

no. 7 in course of the day.

2. Heard Mr. Amarendra Narayan, learned counsel for
the petitioner and the State though there is no appearance on
behalf of the Central Government.

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

“a. Quashing order dt. 6.5.17 passed by



respdt no. 4 (the Additional Collector cum Arbitrator National Highway Authority of India, Madhubani) in case no. 106/11, refusing to settle petitioner's claim of payment of compensation of land acquired for widening National Highway on the pretext of such grievances for finalization of valuation of land depends on upgrading of type of land, which powers are only conferred upon the Collector Madhubani acting as Chairman of Five Men Committee. This order dt. 6.5.17 is illegal and perverse in law having been passed in contravention to enacted law of Parliament conferred in section 3(g) of National High Way Act as well as contumacious disregard of the direction issued by this Hon'ble Court order dt. 3.12.13 (passed in CWJC 12317 of 10) which has settled this issue and directed the respdt no. 3 to settled the issue in terms of N.H.Act..

b. Commanding Collector Madhubani to pay compensation to the petitioner for his land at market rate of the plots, which cannot be less than the price fixed for the adjoining plots, and redress



petitioner's other grievances relating to acquisition for compensation and make its payment with interest.

c. Commanding respondents to pay all dues along with penal interest apart from the statutory interest applicable in law, and amount of cost and compensation as qualified by the Hon'ble Court for the sufferance caused to the petitioner.”

4. The stand of the petitioner is that the category of the land has been wrongly recorded and the compensation paid to him. The submission is that the category of the adjoining *raiya*s have been recorded as residential/commercial whereas the land of the petitioner has been put in the category of agriculture.

5. The further submission is that in any case, the Additional Collector after remand by this Court in CWJC No. 4064 of 2014 in Aditya Narayan Singh vs. The State of Bihar and analogous cases (Annexure-11 to the writ petition) was duty bound to decide the matter instead of shrugging of its responsibility.

6. The concluding part of the order passed in Aditya Narayan Singh (supra) and analogous cases dated 21.06.2016



read as follows:-

“In order to expedite the matter, the petitioners of all these three writ petitions are hereby directed to appear before the respondent Arbitrator-cum-Additional Collector, Madhubani within a period of one month from today with a certified copy of the present order, whereafter he shall proceed to decide the matter afresh in accordance with law, and all endeavours shall be made to dispose of their cases at an early date preferably within a period of three months from the date of appearance of the petitioners in the manner indicated above.

It is clarified that while passing the fresh order in exercise of his powers under Section 3G(5) of the Act, 1956, the Arbitrator-cum-Additional Collector, Madhubani shall not be influenced or prejudiced by any finding recorded by the Five Men Committee of the district, so constituted by the letter dated 10.10.2009 of the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.



In the result, all these three writ petitions stand allowed to the extent indicated, but with the observations and directions made above. No costs.”

7. However, the contention is that the Additional Collector shrugged off his responsibility and without appreciating the order of the Writ Court, while deciding the case, vide an order dated 06.05.2017 declined to pass a positive order.

8. Learned counsel submits that the respondent was duty bound to pass reasoned order in the matter.

9. The submission is that now the situation has changed and the Divisional Commissioner of the concerned Division has been made the Arbitrator and not the Additional Collector. The matter has to go before the Arbitrator once again.

10. Learned State counsel has filed affidavit but there is nothing on record on this point. Even the counter-affidavit of the Central Government has moved in the direction that the petitioner ought to have approached the appropriate authority/Court once the Arbitrator has passed an order.

11. The High Court in **Aditya Narayan Singh** (supra) case directed the Arbitrator to pass fresh order under ‘Section



3G(5) of the 1956 Act’ which clearly he failed to do.

12. Though in such cases, once the Arbitrator has passed an order, the aggrieved party has to move before the competent Civil Court. However, in the present facts and circumstance, where a positive order passed by a Bench of this Court in **Aditya Narayan Singh** (supra) case, admittedly, the then Arbitrator-cum-Additional Collector failed to act in line with the said order dated 06.05.2017.

13. In that background, the order dated 06.05.2017 passed by the Arbitrator-cum-Additional Collector, Madhubani (Annexure-1 to the writ petition) is quashed.

14. The petitioner is free to approach the present Arbitrator-cum-Divisional Commissioner, Darbhanga Division, Darbhanga for the redressal of the grievance.

15. If such petition is preferred in next four weeks, the same shall be taken to its logical conclusion after noticing/hearing all the necessary parties at an earliest.

(Rajiv Roy, J)

Adnan/-

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