

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4548 of 2018

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1. Yogendra Prasad Singh and Anr S/o Late Phulena Singh, Resident of Village- Sonbarsa, Tola- Chilari, P.S. and District- Sitamarhi.
 2. Binod Kumar Singh, S/o Late Bishwanath Singh, Resident of Village- Sonbarsa, Tola- Chilari, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Sitamarhi, District- Sitamarhi.
3. Competent Authority-cum-District Land Acquisition Officer, Sitamarhi.
4. Chief General Manager Technical-cum-Regional Officer, National Highways Authority of India, Patna.
5. Project Director, National Highways Authority of India, Darbhanga.
6. Manager Technical, National Highways Authority of India, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Navesh Nandan, Adv.
For the Respondent/s	:	Mr. Dr. Maurya Vijay Chandra, NHA Mrs. Preety Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-01-2025 This Court appoints Mrs. Saobiya Mushtaque, Advocate, who is present in the Court, as *amicus curiae* in this case.

2. Learned Counsel for the petitioner, Learned Counsel for State, Learned Counsel for the NHA and Learned *amicus curiae*, Mrs. Saobiya Mushtaque (AUIN-102309) are present.

3. Since this matter is very old (*i.e.*, of the year 2018) and in the opinion of the Court, making further delay shall create prejudice to the petitioner.



4. Learned *amicus curiae* submits that the present writ petition has been filed for grant of compensation of land acquired by the respondents according to Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Hereinafter referred to as 'RFCTLARR') and also demanded interest on the amount of compensation till actual date of payment at the earliest.

5. Learned *amicus curiae* further submits that as per the pleading, it becomes crystal clear that land has been acquired for the purpose of construction of NH-77 in the District of Sitamarhi (Muzaffarpur-Sonbarsa Section) and compensation amount has been requested to paid according the latest law on the enhanced price of Rs.70,000/- per decimal.

6. Learned Counsel for the NHAI submits that the acquisition of land for the purpose of construction of National Highways, the NHAI Act, 1956 (Act 48 of 1956) has been especially framed. He further submits that the petitioner has only remedy available under section 3 (G) (6 & 7) to move before the Principal Judge, Civil Court under section 34 of the Arbitration and Conciliation Act, 1996 and he has no remedy to file writ petition before this Court.

7. In support of his argument, counsel has relied on the Division Bench Judgment of this Court passed in the case of *The Project Director, National Highway Authority & Anr. Vs.*



Md. Gufran Alam & Ors. where it has been held that in paragraph 9 i.e.,*Thus, the statutory remedy for enforcement of the arbitral award made under Section 3-G(5) of the Act of 1956 lies before the Civil Court, exhausting according to the Arbitration and Conciliation Act, 1996.*

8. Learned Counsel for the State is present and submits that the contest is between the NHAI and the petitioner.

9. In the light of the submissions made, this Court hereby disposed off the writ petition granting liberty to the petitioner to avail his remedy under the provision laid down under Section 3(G) (6&7) of the NHAI Act, 1956 (Act 48 of 1956).

10. Learned *amicus curiae* shall be entitled to remuneration as per Notification dated 16.05.2017 published in Bihar Gazette on 18.05.2017 to be paid by the Patna High Court Legal Services Committee.

11. With the aforesaid observations and directions, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

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