

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3984 of 2017**

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Bal Ram Singh Son of Late Bhekh Narayan Singh Resident of Village P.O.  
P.S.-Barun and District-Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate,Aurangabad.
3. The Additional Collector Cum Arbitrator, Aurangabad
4. The Deputy Collector Land Reforms Cum Competent authority,  
Aurangabad.
5. The Chief general Manager National High Way II, Aurangabad.
6. The Project Director, P.I.U., N.H.A.I., Varanasi

... .. Respondent/s

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**Appearance :**

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. Anirudh Kumar Verma, Advocate   |
| For the Respondent/s | : | Mr. Arif Daula Siddiqui, AC to SC25 |
| For the NHAI         | : | Dr. Maurya Vijay Chandra, Advocate  |
|                      |   | Mr. Gaurav Govinda, Advocate        |
|                      |   | Ms. Preety Ranjan, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      08-09-2025                      Heard Mr. Anirudh Kumar Verma, learned counsel for  
  
the petitioner, Mr. Dr. Maurya Vijay Chandra representing the  
  
National Highway Authority of India beside Mr. Arif Daula  
  
Siddiqui, learned AC to SC 25.

**I.A. No. 1014 of 2018**

2. The aforesaid interlocutory application has been  
preferred for amending the relief to direct the respondents to  
abide by the order passed by the Arbitrator in Land Acquisition  
Case No. 329 of 2016-17 dated 25.04.2017.

3. The State as also 'the NHAI' have no objection to



it.

4. In that background, **I.A. No. 1014 of 2018** stands allowed.

**CWJC No. 3984 of 2017**

5. The writ petition has been preferred for:

*“filed herewith for direction to the concerned authorities particularly the Respondent no.4 to issue fresh Gazette notification for the acquired land in question as the same has been issued in the year 8.12.2010 and neither the award has been prepared nor the same has been paid nor the physical possession has been taken and more than five years have laps and thus under section 24(2) of the RFCTLARR Act, 2013 all the proceeding initiated under the Act would laps and further for determine the compensation as per sec.7 of the National Highway Act, 1956 at the prevalent market value.”*

6. The matter relates to Khata No. 171, Plot No. 1802 (79 Square meter) under Mauza and P.S. Barun in the District of



Aurangabad which has been acquired for the construction of six lane National Highway.

7. To cut short the matter, this Court shall straightaway look into the order of the Arbitrator-cum-Additional Collector, Aurangabad dated **25.04.2017** in **Land Acquisition Case No. 329 of 2016-17 (Balram Singh vs. Project Director NH-2, Government of India)** to show that after physical verification and being convinced that the classification of the land of the petitioner has wrongly been made by the respondents, the matter was sent to the Six Men Committee (Annexure 1 to the interlocutory application No. 1014 of 2018).

8. Though counter affidavit of 'the NHAI' is not on record, Dr. Maurya Vijay Chandra representing them submits that the Six Men Committee stands disbanded, in that background, when the Committee is no more, the decision has to be taken by Arbitrator itself (now the Divisional Commissioner, Magadh Division, Gaya Ji/competent authority).

9. Learned counsel for the petitioner in response submits that though he has lost lots of time, in view of the aforesaid 1956 Act, shall be filing a fresh petition before the concerned Arbitrator.



10. Learned State counsel as representing the NHAI submits that they shall ensure their presence so that the matter is taken to its logical conclusion.

11. This Court has gone through the facts of the case, the order passed by the Arbitrator cum Additional Collector, Aurangabad in Land Acquisition Case No. 329 of 206-17 dated 25.04.2017 which was turn after personal inspection.

12. **Section 3G(5) of the National Highway's Act, 1956** read as follows:-

*“3-G (5) if the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”*

13. This Court is in agreement with the averments made by the learned counsel for ‘the NHAI’ that it has to be taken up and decided by the Arbitrator cum Divisional Commissioner, Magadh Division, Gaya Ji which is the competent authority as the Six Men Committee stands disbanded.

14. In that background, this Court disposes of the writ



petition allowing the petitioner to file appropriate petition before the concerned authority in next four weeks and if the same is filed, it shall be taken to its logical conclusion after hearing all the necessary parties in accordance with law preferably by 31<sup>st</sup> March 2026. It is made clear that since the petitioner was pursuing the writ petition before this Court and was pending for the last eight years, the same shall be taken into consideration while deciding the limitation petition.

15 The Arbitrator cum Divisional Commissioner, Magadh Division, Gaya Ji is free to decide it afresh or to revive the earlier proceeding that was taken up by the Arbitrator cum Additional Collector, Aurangabad earlier.

16. The writ petition is disposed of with the aforesaid observation.

**(Rajiv Roy, J)**

Raj Ranjan/-

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