

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15029 of 2021

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1. Gulab Devi @ Gulabi Devi, W/o Late Surendra Kumar Singh @ Late Surendra Kumar R/o Village- Beladih, P.S.- Belaganj, District- Gaya.
 2. Manoj Kumar S/o Late Surendra Kumar Singh @ Late Surendra Kumar R/o Village- Beladih, P.S.- Belaganj, District- Gaya.
 3. Lalsa Devi W/o Late Ajit Kumar R/o Village- Beladih, P.S.- Belaganj, District- Gaya.
 4. Sanjeev Kumar S/o Late Surendra Kumar Singh @ Late Surendra Kumar R/o Village- Beladih, P.S.- Belaganj, District- Gaya.
 5. Sunita Devi @ Sunita Kumari W/o Late Pankaj Kumar R/o Village- Beladih, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Revenue and Land Reform, Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reform, Bihar, Patna.
3. The Director Cum Additional Secretary Directorate of Land Acquisition, Department of Revenue and Land Reform, Bihar, Patna.
4. The District Magistrate Gaya.
5. The Arbitrator cum the Additional Collector Gaya.
6. The Competent Authority cum District Land Acquisition Officer Gaya.
7. The Deputy Collector Land Reforms, Gaya.
8. The Circle Officer Belaganj, Gaya.
9. The Secretary Department of Road Transport and National Highways, Government of India, New Delhi.
10. The National Highway Authority of India Through Deputy General Manager (Land Acquisition and co-ordination) G-5 and 6 Sector-10 Dwarka, New Delhi, 75.
11. The Regional Officer National Highway Authority of India, First Floor, Sri Krishnapuri, Patna-1.
12. The Project Director National Highway Authority of India, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Manoj, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER



3 18-08-2025

1. Fixation of compensation pursuant to acquisition of land under the National Highways Act is under challenge in the instant writ petition.

2. It is not in dispute that the land of the petitioners were acquired under the provisions of National Highways Act, 1996. The grievance of the petitioners is that compensation of the acquired land was fixed on the basis of per decimal stamp duty applicable for agricultural land.

3. It is the case of the petitioners that the land acquired for the purpose of widening NH-83 and construction of a bye-pass at Mauza-Vajidpur is commercial in nature. Therefore, as per the minimum per decimal value of land fixed under Bihar Stamp (Prevention of Under Valuation of Instruments) (Amendment) Rules, 2013, the nature of land ought to be considered as commercial land and per decimal stamp duty ought to have been fixed as per the commercial land duty. The Arbitrator-cum-Deputy Collector, Gaya failed to appreciate the nature of land and passed the impugned order (Annexure-9), considering the land in question as agricultural land.

4. The learned Sr. Advocate appearing on behalf of



the State Respondents, on the other hand, has referred to Sub-section (6) of Section 3G of the National Highways Act, 1956, which runs thus: -

“ 3G. Determination of amount payable as compensation.--

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(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.”

5. It is submitted by the learned Sr. Advocate appearing on behalf of the State that as the impugned order was passed by the Arbitrator, the appropriate forum for redressal of any grievance against the impugned order is by way of taking recourse to Section 34 of the Arbitration and Conciliation Act, 1996 before the Principal Judge of the concerned district. Therefore, the instant writ petition is not maintainable.

6. I am in conformity with the learned Sr. Advocate appearing on behalf of the State.

7. The instant writ petition is, accordingly, disposed of, holding that the same is not maintainable, with liberty to the petitioner to take appropriate action under the



Arbitration and Conciliation Act, 1996 before the competent
forum in accordance with law.

(Bibek Chaudhuri, J)

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