

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15775 of 2021

Shakuntala Verma, W/o - Late Ganesh Prasad Verma, R/o - B/335, Mitra Mandal Colony, Saket Vihar, Phulwari, Anisabad, District- Patna, Bihar - 800002

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Government of Bihar.
2. The Director-cum-Special Secretary, Land Acquisition, Directorate, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Patna.
4. The District Land Acquisition Officer, Patna.
5. The Circle Officer, Phulwarisharif, Patna.
6. The National High Way Authority of India through its Project Director, NH 83, Patna.
7. The Executive Engineer, National Highway - 83, Patna - Gaya- Dobhi, Patna Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Roona, Adv.
For the NHAI	:	Mr. Gautam Kumar, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-09-2025 The instant application has been filed under Article 226 of the Constitution of India by the petitioner seeking following relief(s):

"(i) For quashing of order dated 28.06.2021 passed by the Learned Arbitrator cum Division Commissioner, Patna Division, Patna in NH Arbitration Case No. 123/2018 as contained in Annexure-7 whereby and whereunder the determination of compensation by District Land Acquisition Officer has been upheld and the claim of the



Petitioner for payment of compensation on the basis of the land in question to be residential land as per notification of the Central Government has been rejected.

(ii) For a direction upon the Respondents to determine the compensation treating the nature of the acquired land to be commercial/residential as given in Notification dated 01.03.2011 of the Ministry of Road Transport and Highways published in the gazette of India as contained in Annexure 2 and to pay the difference of compensation amount after fair determination of compensation with applicable interest. After modification of the compensation granted by District Land Acquisition Officer.

(iii) For issuance of order direction or an appropriate writ directing the Respondent Authorities to determine the compensation in terms of the provisions contained in right to fair compensation and transparency in land acquisition, rehabilitation and Settlement Act, 2013 in view of the Section 26 of the aforesaid act which provides determination of market value of the land.

(iv) Any other order/orders for which the petitioner is found entitled to in the facts and circumstances of the case."

2. Heard both the sides and perused the relevant materials. The petitioner has mainly challenged the order dated 28.06.2021 passed by the learned Arbitrator-cum-Division Commissioner, Patna, under Section 3G(5) of the National



Highways Act, 1956, though, the petitioner has relied upon the several relevant documents, particularly Annexure-1, showing the nature of the acquired land, however, the petitioner has a specific remedy under the Arbitration and Conciliation Act for challenging the impugned order, so, this court does not find it proper to exercise its writ jurisdiction to redress the petitioner's grievance.

3. Accordingly, the instant petition stands disposed of with giving petitioner the liberty to challenge the impugned order dated 28.06.2021 by filing an application under Section 34 of the Arbitration and Conciliation Act before the concerned Court. If she avails this said liberty within next three weeks then the concerned court will decide the petitioner's case according to merit and while computing limitation period the time period spent in this case shall be excluded as per the provision of limitation law.

(Shailendra Singh, J)

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