

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24007 of 2018

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Vivekanand Singh Son of Late Faudi Singh, Vill- Dhakhingaon, Police Station Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Land Acquisition Officer, Gaya.
5. The General Manager, National High Way Authority, Gaya.
6. The Additional Collector-cum-Arbitrator, National High Way, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kumar Sinha, Adv. Mr. Ranjeet Patel, Adv.
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 17-11-2025

Learned counsel for the petitioner prays for and is allowed to implead the respondent no. 7, the Arbitrator-cum-Divisional Commissioner, Magadh Division, Gaya as party respondent no. 7 in course of the day.

2. Heard Mr. Shivendra Kumar Sinha, learned counsel for the petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14.

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

*(i) For quashing the order
contained in Memo No. 105 dated 4.8.18*



issued by Respondent Arbitrator-cum-Additional Collector, Gaya (Respondent No. 6) whereby he has declined to interfere with the compensation amount fixed by the Respondent District Land Acquisition Officer, Gaya in Arbitration Case No. RA170/2017-18 without considering the plea raised and material brought on record by the petitioner.

(ii) For further to hold that in view of document/report submitted by Deputy General Manager (Technical) Bihar State Road Development Corporation Limited dated 28.3.18 the land in question which is admittedly situated adjacent to commercial/residential establishment. Its nature can not be categorized as agricultural rather it must be treated as a land of commercial category and accordingly direction be issued to refixe the compensation amount of the petitioner land taking in to consideration the provision contained in R.F.C.T.2, A.R.R., herein referred to as Act 2013) Act 2013.

(iii). For further direction upon the respondent authorities to calculate the compensation amount of the land of the petitioner acquired by the Respondent as per the new Act 2013 treating the same as land of "Commercial category" and for further



direction to pay interest over the same at the market rate from its due date till date of actual payment.

(iv). For any other relief or relief for which the petitioner are found entitled in the facts and circumstances of the case.

4. Learned counsel for the petitioner submits that the matter relates to acquisition/widening of National Highway-82 (Rajgir/Hisua-Gaya) four lane road in which his land, Thana No. 609 appertaining to Khata No. 239, R.S. Plot No. 1762 area 0.0578 acres, R.S. Plot No. 828 area 0.2095 acres, R.S. Plot No. 409 area 0.0619 acres and RS Plot No. 790 area 0.098 Acres were also notified for the acquisition.

5. The submission is that the compensation amount assessed to be Rs. 53,95,657/- which was accepted by him under protest. According to the petitioner, aggrieved by the compensation amount, he preferred petition vide RA 170/2017-2018 (Vivekanand Singh Vs. State of Bihar) before the then Arbitrator-cum-Additional Collector, Gaya.

6. The contention of the petitioner is that during the pendency of the said petition, the Department of Surface Transport and Highways, came out with Circular under Section 3G(5) of the National Highway Authority of India Act, 1956 (henceforth for short 'the Act') by which vide notification dated 21.06.2018, the said Department appointed the Divisional Commissioners of the



Division to be the Arbitrator within his/her jurisdiction to decide the objection filed by the land owners.

7. The submission is that subsequently, vide memo no. 105 dated 04.08.2018 (Annexure-6 to the petition), the claim of the petitioner was negated by the earlier Arbitrator-Additional Collector, Gaya.

8. Learned counsel for the petitioner submits that the notification came on 21.06.2018, almost two months later, the present order was passed. When the Additional Collector, Gaya had no jurisdiction to pass such order, the order in question cannot be deemed to be valid and proper. The submission is that the natural recourse for him was to transfer all such petitions/objections before the Divisional Commissioner, Magadh Division, Gaya which he failed to do.

9. He has taken this Court to similar situate matter of **Suresh Prasad Singh vs. State (CWJC No. 2067 of 2019)** disposed of on **28.11.2019** in which taking into account the facts that prior to the passing of the order, the Department had come up with the notification dated 21.06.2018, as stated above, **Arbitration Case no. R.A. 151/2017-18** which was negated by the District Land Acquisition Officer, Gaya was quashed.

10. Learned State Counsel opposes the prayer submitting that he has taken the compensation amount, though



with objection. Now that the order has been passed, he should move before the Competent Court.

11. This Court has gone through the facts of the case as also the materials on record. Admittedly, the Department of Surface Transport and Highways vide notification dated 21.06.2018 appointed the Divisional Commissioner of the said Division to be the Arbitrator to decide the objection/petition of the land owners.

12. The Additional Collector, Gaya being one of the important functionary of the said district and next to the Collector in the rank cannot claim ignorance of a notification issued two months earlier on 21.06.2018. Further, once the notification was issued by the Department, he was duty-bound to stop further hearing/passing of the order and transfer all such files to the office of the Divisional Commissioner, Magadh Division, Gaya. Instead, two months later, he has passed the said order.

13. This Court has also taken note of the Co-ordinate Bench order in the case of **Suresh Prasad Singh** (supra). In the aforesaid circumstances, the order dated 04.08.2018 passed by the Additional Collector, Gaya in Arbitration Case No. R.A. 151/2017-18 is set aside. The petitioner is granted liberty to approach the Arbitrator-cum-Divisional Commissioner, Magadh Division, Gaya afresh within a period of four weeks to agitate the



matter, if he so wants.

14. Needless to add, if such petition is preferred in next four weeks, the Arbitrator-cum-Divisional Commissioner, Magadh Division, Gaya shall be taking the matter to its logical conclusion at an earliest.

(Rajiv Roy, J)

Vijay Singh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	18.11.2025
Transmission Date	NA

