

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8110 of 2026

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Umesh Prasad Sinha, Son of Late Girivar Lal Sinha, Resident of Mohalla Haripur (Maheshwwari), Ward no 13, Police Station Jogbani and District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land and Reforms Department, Bihar, Patna.
2. The Principal Secretary Land and Reforms Department, Bihar, Patna.
3. The Civil Commissioner (Lokayukt), Bihar, Patna.
4. The Divisional Commissioner, Purnia.
5. The District Magistrate, Araria.
6. The Land Acquisition Officer, Araria.
7. The National High Ways Authority of India through its Managing Director

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Nand Poddar, Advocate Mr. Rahul Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar, Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 02-07-2026

1. Heard the parties.

2. Learned counsel for the petitioner has approached this Court for a direction to the respondent authority, here the respondent authority is National Highways Authority of India, which has not been made a party in this writ application. However in course of hearing, on being pointed out by learned counsel for the State, Mr. Dhurjati Kumar, learned counsel appearing on behalf of the petitioner prays for making

correction by adding the name of N.H.A.I. as party respondent through its Managing Director and as such, his prayer is allowed and he is granted permission to add N.H.A.I as party respondent in course of the day.

3. Since this Court is of the view that no useful purpose would be served to keep the matter pending in light of the fact that petitioner has not availed the remedy available to him in terms of Section 3G(5) of the National Highway Act, whereby he is under obligation to make an application in proper proforma claiming his right with supporting documents before the arbitrator which in the present case is the Commissioner, Purnia, where the land of the petitioner is situated and said to have been acquired for the purposes of widening the national highways.

4. The 0.38 decimal of land of the petitioner, situated in Mauza- Dakshin Gaheshvari, Khata no.- 19, Khesra no.- 180, 181, 182 & 183, Thana Nos. 184, 185, 186 & 175 District Araria, is said to have been acquired in the year 2006 by the N.H.A.I. for widening of national highways crossing through the district.

5. The petitioner, as submitted, has prayed for a direction to the respondent to recalculate the compensation

amount of the land acquired with the further direction to make payment of the same. Besides it has also been prayed for issuance of a direction to the respondents to dispose off representation with reasoned and speaking order in accordance with law. The land acquired was in the name of wife of the petitioner who died on 29.08.2022. It has also been pointed out that land at the time of acquisition was shown as residential and fully developed agricultural land but compensation was not awarded only in terms of the nature of land holding it to be agricultural one. Instead of making payment of compensation holding the land to be of residential nature. Since compensation amount was inadequate and not in accordance with the nature of land, the wife of the petitioner namely Kanti Devi, received the compensation amount with protest. It has also been stated that being aggrieved by the inadequate amount of compensation the wife of petitioner preferred an appeal before the Divisional Commissioner, Purnia on 07.09.2015 but no order was passed till date.

6. Learned counsel appearing on behalf of the State fairly submits that petitioner has an alternative and efficacious remedy by approaching the appropriate authority which is arbitrator, have duly been appointed by the Central Government

for each of the Commissionerate where process of land acquisition is going on, with a prayer to get the matter settled and arbitrated.

7. It is patently evident that the petitioner has raised dispute with respect to the quantum of compensation which has been received by the deceased wife under protest now he claims that the land is of very valuable in nature but compensation being very much inadequate, is required to be modified by the authority for acquisition of the land of petitioner's wife.

8. There is specific statutory provision as contained under Section 3G (5) of the National Highways Act, 1956 which lays down that 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.

9. The central government, as submitted, has already appointed the Divisional Commissioners of the Commissionerate to be the arbitrator in the matter where Central Government or its agency have been acquiring land.

10. In these circumstances, petitioner has to approach the arbitrator, i.e. the Divisional Commissioner, Purnia with

proper application highlighting all the facts supported by relevant documents with respect to the nature of land which he is claiming to be of more value than that of which compensation has been paid to his deceased wife.

11. If the petitioner files an application in proper proforma along with all the relevant documents supporting his claim with respect to the quantum of amount which he claims in terms of the nature of land, within three weeks henceforth, the arbitrator i.e. the Divisional Commissioner, Purnia will consider the same and will decide the claim of the petitioner within a period of six months therefrom.

12. Accordingly, this writ application is disposed off in aforesaid terms.

13. Interlocutory application(s), if any, also stands disposed off accordingly.

(Rana Vikram Singh, J)

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