

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.663 of 2026

Manisha Bhaskar Wife of Kanak Kishore Bhaskar, Resident of Colony No.- 1,
Durga Asthan, P.S.- Katihar, Dist.-Katihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road, Transport, and Highway Authority of India, New Delhi.
2. The Secretary, Ministry of Road, Transport, and Highway Authority of India, New Delhi.
3. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
4. The Addl. Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
6. The Divisional Commissioner, Purnea Division, Purnea.
7. The Project Director National Highway Authority of India, (Project Implementation Unit, Purnea) in the house of Sri Sikandar Singh near Mahananda Colony, Sahaban hata, P.S.- K. Hat, Dist.- Purnea.
8. The Competent Authority Cum Land Acquisition Officer, Katihar, 1st Floor, Samaharnalay Bhawan, katihar, Dist.- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mrs. Shrishti Rani, Advocate
For the Respondent/state :		Mr. Dhurjatti Kr. Prasad, Government Pleader 14 Mr. Anshay Bahadur Mathur, C.G.C.
For the N.H.A.I.	:	Dr. Anand Kumar, Advocate Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- | | | |
|---|------------|---|
| 2 | 27-01-2026 | 1. Heard the parties. |
| | | 2. The petitioner has filed the present writ application being aggrieved by the order dated 27.11.2024 passed by learned Divisional Commissioner, Purnea in Arbitration Case No. 129 of 2022 by which the claim of the petitioner for |



enhanced compensation has been rejected.

3. Mrs. Nivedita Nirvikar, learned senior counsel for the petitioner submits that petitioner purchased a *piece* of land situated at Mauza - Routara, Thana No. 152 , Khata No. 570, Plot No. 648 having an area of 0.29 decimal by virtue of sale deed no. 3924 on 14.03.2016 at the rate of Rs. 1,20,000/- per decimal. Gazette Notification No. 465 dated 03.02.2021 was issued by the Ministry of Road Transport and Highways. The aforesaid land was acquired by virtue of aforesaid gazette notification and as per the National Highways Act, 1956 (for short “the N.H. Act”) the petitioner was to be paid compensation of Rs. 8,86,022 /- which the petitioner accepted, however, Rs. 5,05,432/- only as compensation amount has been credited in the account of the petitioner. Being dissatisfied with the compensation amount and the valuation of the land, the petitioner filed an application before the Divisional Commissioner -cum- Arbitrator, Purnea Division under Section 3(G)(5) of the N.H. Act, which was registered as Arbitration Case No. 129 of 2022 on 24.06.2022. It has further been argued that the learned Arbitrator did not consider the claim of the petitioner in proper perspective inasmuch as the land in question was purchased by the petitioner on 14.03.2016 at the rate of



Rs. 1,20,000/- per decimal for which total stamp duty of Rs. 2,08,800/- was paid. The land is falling in the category of commercial area and near the land Routara Police Station is functioning and there is a growing market, petrol pump, cold storage etc. near the land of the petitioner. It has further been submitted that MVR of the subject land was fixed at Rs. 1,00,000/- per decimal for commercial and Rs. 5,000/- for agricultural. The compensation amount of the petitioner has been calculated at the rate of Rs. 5,000/- considering the nature of land as agricultural. Before fixing the valuation, assessment by Six Men Committee was not done, however, the Arbitrator failed to take into consideration all the relevant points taken by the petitioner during the course of argument.

4. On the other hand, learned counsel for the N.H. as well as State argued that the award / order passed by the Arbitrator can be challenged under Section 34 of the Arbitration and Conciliation Act, 1996. Against the award of the Arbitrator the petitioner has the remedy before the Principal Civil Court under Section 34 of the Arbitration Act.

5. Having heard learned counsel for the parties and taking into consideration the fact that the order impugned is in the nature of award passed by the Arbitrator under Section 3G(5) of



the N.H. Act, accordingly, this writ application is disposed with liberty to the petitioner to file a petition before the Principal Civil Court / concerned court. If such an application is filed along with limitation petition, the Principal Civil Court / concerned court shall consider the same in accordance with law.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

