IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 6913 of 2026

Vishwanath Chandravanshi, S/o Hadbad Ram, R/o Village Haliwant Khurd, PO Halivanta Kala, PS Nagar Untari, District Garhwa

……**Petitioner.**

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Garhwa
3. The District Land Acquisition Officer-cum-Competent Authority, Garhwa
4. The Additional Collector-cum-Arbitrator, Garhwa
5. The National Highway Authority of India through its Chairman having its office at National Highway Authority of Inda G5 & 6 Sector- 10, PO & PS Dwarka, New Delhi
6. The Project Director, National Highways Authority of India, Palamau Division Office at Redma Chowk, PO & PS Redma, Dist Palamau
7. The Executive Engineer, Building Division, Garhwa
8. The Authorized Engineer of NHAI, office at Palamau Division, Office at Redma Chowk, PO & PS Redma, Dist Palamau
9. The Circle Officer, Nagar Untari, Garhwa

……. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Binod Kumar, Advocate
Ms. Nanda Kumari, Adcocate
For the State : Mr. Baibhaw Gahlaut, AC to Sr. AAG
For the Resp.-NHAI : Ms. Sweety Topno, Advocate

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02 / 03.09.2026: Heard, learned Counsel for the parties.

2. By way of filing this writ petition, the petitioner has sought for following reliefs :-

> *"(i.) For direction upon the respondents to appoint the independent agency to submit its measurement report regarding actual valuation of the constructed house with amenities, which have been acquired by the respondents for construction, strengthen and widening of 4 lanes of National Highways-NH-75 (sec-v) 219.6 KM Khajuri to 260.83 KM Vidamganj.*

(ii) For direction upon the respondents to pay the fair/ adequate compensation to the petitioner with regard to acquisition of his constructed house with other amenities standing over the land pertaining to Khata No.70, Plot No.211, area 3.5 decimal, Mouza-Haliwanta Khurd, Nagar Untari Garhwa for construction of National Highway-75 (SEC-V).
(iii) For direction upon the respondents to pay interest on the enhanced/fair compensation amount payable to the petitioner from the date of gazette notification till the date of actual payment, in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
(iv) For restraining the respondents, their agents, servants and representatives from demolishing the petitioner's constructed residential house during the pendency of instant writ petition."

3. Learned Counsel for the petitioner submits that the petitioner has not been paid adequate compensation with regard to acquisition of his constructed house consists of 3 pucca room, 3 kuccha room, 01 verandah, 01 handpump including electric connection, water facilities and with other amenities standing over the land pertaining to Khata No.70, Plot No.211, area 3.5 decimal, Mouza- Haliwanta Khurd, Nagar Untari Garhwa for construction of National Highway-75 (SEC-V). He further submits that a proceeding bearing Land Acquisition Appeal No.57 of 2023-24 initiated before the respondent No.4 on the objection filed by the petitioner and vide order dated 22.07.2205 the respondent No.4-the Additional Collector-cum-Arbitrator, Garhwa directed a fresh valuation of petitioner's house through the Building Division. Pursuant to that a joint inspection and valuation have been undertaken. However, in the petitioner case, it has been reported that there has been no increase in the valuation. Thus, he submits that a direction may be issued upon the respondents to appoint an independent agency to submit its measurement report, and report regarding actual valuation of the constructed house with amenities, which have been acquired by the respondents for construction, strengthen and widening of 4 lanes of National Highways-NH-75 (sec-v) 219.6 KM Khajuri to 260.83 KM Vidamganj.

4. Learned Counsel appearing for the respondent-NHAI submits that on the objection filed by the petitioner, a proceeding bearing Land Acquisition Appeal No.57 of 2023-24 initiated before the respondent No.4-the Additional Collector-cum-Arbitrator, Garhwa. Pursuant to order vide Memo No. 104 dated 22.07.2025, a joint inspection and valuation have been undertaken through the building division, Garawa and in the case of the petitioner, it has been reported that there has been no increase in the valuation. He further submits that if the petitioner has any grievance, he has sufficient statutory remedy available under National Highways Act. Thus, he submits that this writ petition is devoid of merit liable to dismissed.

5. After hearing the parties and going through the records, I am of considered view that prayer of the petitioner to issue direction upon the respondents to do re-valuation of the constructed house with amenities over the land in question by the independent agency, cannot be accepted by this Court, in view of the adequate efficacious remedy available under Section 3G of the National Highways Act.

6. For the better appreciation, Section 3G of the Act of 1956 is quoted below:

> *"**3G.Determination of amount payable as compensation.—**(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.*
> *(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent, of the amount determined under sub-section (1), for that land.*
> *(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.*
> *(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.*

(5) 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 –
(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.
(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration –
(a)the market value of the land on the date of publication of the notification under section 3A;
(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;
(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;
(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

7. Section 3G of the Act provides for a statutory mechanism for determination of amount payable as compensation for land acquired under the Act. In the event of disagreement with such determination, Section 3G(5) provides a statutory right to seek reference to arbitration, whereupon the Arbitrator appointed by the Central Government is empowered to adjudicate upon the quantum of compensation and the determination made by the Arbitrator under Section 3G(5) attains the status of a statutory adjudication becoming binding upon the parties, subject only to challenge on the limited grounds available under the Arbitration and Conciliation, Act of 1996.

8. It is undisputed fact that the petitioner received the notice under Section 3G(3) of the Act, thereupon he filed an objection, and pursuant to that a proceeding being Land Acquisition Appeal No. 57/2023-24 was registered before respondent No.4-the Additional Collector-cum-Arbitrator, Garhwa. The respondent No.4 passed an order vide Memo No. 104 dated 22.07.2025 directed the District Land Acquisition Officer, Garhwa to re-determine the compensation after the valuation of house and other amenities

over the land acquired through building division. Now the petitioner is aggrieved of the report to the effect that in case of the petitioner, it has been reported that there has been no increase in the valuation. This Court has considered view, that the petitioner has remedy to place his grievance/objection before the Additional Collector-cum-Arbitrator, if the Appeal is still pending or if it is concluded and an award is passed than the petitioner should have to challenge Award passed in Land Acquisition Appeal No. 57/2023-24 by filing appropriate application under section 34 of the Arbitration and Conciliation Act, 1996 before competent Civil Court.

9. In view of the aforesaid, no relief can be granted to the petitioner in this writ petition. Accordingly, the present writ petition is **dismissed.**

10. However, the petitioner is at liberty to file appropriate application under Section 34 of the Arbitration and Conciliation Act, 1996 before competent Civil Court or in the event no award has been passed as yet, avail the remedy under National Highways Act.

(ANANDA SEN, J.)

03rd September, 2026
R.S./S.K.D.
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