IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 8026 of 2026

Viriya Oraon ….. Petitioner

Versus

1. The State of Jharkhand, through the Deputy Commissioner, Gumla
2. The Competent Authority-cum-District Land Acquisition Officer, Gumla
3. The Cricle Officer, Gumla
4. The National Highways Authority of India, through its Chairman, New Delhi
5. The National Highways Authority of India, through its Regional Officer, Ranchi
6. Smt. Ghudo Devi
7. Bigu Devi
8. Kandi Devi
9. Anita Devi
10. Sunita Devi
11. Mahrang Oraon @ Manoj Lakra ….. Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr. Yogendra Prasad, Advocate
For the State: Mr. Ritu Raj, A.C to S.C-VI
For the NHAI: Ms. Sweety Topno, Advocate

02/27.10.2026 The present writ petition has been filed for quashing the order dated 20.07.2026 passed by the Competent Authority-cum-District Land Acquisition Officer, Gumla (the respondent No.2) in Land Acquisition Case No. 30 of 2023-24 (Khora) whereby the representation dated 16.06.2026 filed by the petitioner for referring the dispute to the Principal Civil Court of original jurisdiction under Section 3-H (4) of the National Highways Act, 1956 (hereinafter referred to as 'the Act, 1956') has been rejected.

2. Learned counsel for the petitioner submits that the lands situated at Village-Khora**,** Thana No. 77, Thana & District-Gumla appertaining to Khata No. 208**,** Plot Nos. 12, 14, 961 & 1125, measuring total area-1.6062 Acres and Khata No. 209, Plot Nos. 13, 15 & 16, measuring total area-0.8575 Acre (hereinafter referred to as 'the said lands') were recorded in the revisional survey Khatian in the name of Lita Oraon, son of Bandhuwa Oraon and others. It is further submitted that the name of Viriya Oraon (grandfather of the petitioner) was entered in Register-II with respect to the said lands and rent

receipts of the same were issued in his name. During the lifetime of the petitioner's grandfather, the said lands were amicably partioned between the father and the uncle of the petitioner. After demise of his father, the petitioner came in peaceful cultivating possession of his respective share and paid rent of the same to the State Government.

3. It is further submitted that the said lands have been acquired for the purpose of widening/expansion of NH-43 under Bharat Mala Project and Award Nos. 57 & 58 were prepared in Land Acquisition Case No. 30/2023-24 in which notices were issued on 26.12.2025 by the respondent No.2 in the name of the petitioner's grandfather mentioning him as raiyat. The petitioner filed an objection dated 08.01.2026 before the Deputy Commissioner**,** Gumla as well as the respondent No.2 requesting not to pay the amount of compensation with respect to the said lands in favour of the respondent No.6 (mother of the petitioner), however, without considering the petitioner's application, the amount of compensation was paid to the respondent No.6.

4. It is further submitted that the petitioner made a representation to the respondent No.2 on 14.02.2026 for referring the dispute to the Principal Civil Court of original jurisdiction in terms with section 3-H (4) of the Act, 1956, however, no action was taken on the said representation.

5. It is further argued that the petitioner and his cousin, namely, Rati Oraon filed a writ petition being W.P.(C) No. 3107 of 2026, which was disposed of by a co-ordinate Bench of this Court vide order dated 29.04.2026 directing the petitioner and Rati Oraon to file a fresh representation before the respondent No.2 with further direction to the respondent No.2 to do the needful as per the Act, 1956.

6. It is contended that pursuant to the order dated 29.04.2026, the petitioner filed a fresh representation before the respondent No.2 on 16.06.2026 whereupon the respondent No.2 passed the impugned order dated 20.07.2026

rejecting the petitioner's representation giving him liberty to move the competent Civil Court for resolving his family dispute.

7. It is further submitted that as per the Oraon Customary Law, female member of a family does not acquire rights in ancestral immovable property, rather she is only entitled for maintenance during her life time and as such the respondent No.6 is not entitled to receive the amount of compensation for acquisition of the said lands.

8. It is also submitted that by filing a representation, the petitioner had raised a dispute regarding the entitlement of the respondent No.6 to get the compensation amount of the said lands and as such the respondent No.2 committed serious error in not referring the dispute to the competent Civil Court in terms with section 3-H (4) of the Act, 1956.

9. Per-contra, learned counsel for the respondent-State submits that the respondent No.2 has rightly rejected the petitioner's representation as the compensation for the said lands was already paid to his mother and no further direction could have been given by the respondent No.2 without any decree of title issued by the competent Civil Court.

10. Heard learned counsel for the parties and perused the relevant materials available on record.

11. The grievance of the petitioner raised in the present writ petition is that the dispute raised by the petitioner was with respect to the person to whom the compensation for acquisition of the said lands was payable and the said dispute was required to be referred by the respondent No.2 to the Principal Civil Court of original jurisdiction in terms with Section 3-H (4) of the Act, 1956.

12. I have perused Section 3-H of the Act, 1956, which speaks about deposit of amount of compensation as determined under Section 3-G of the Act, 1956 as well as the procedure for disbursement of the said compensation amount. Sub-section (1) of the said Section provides for deposit of amount of

compensation by the Central Government before the competent authority before taking possession of the acquired land. Sub-section (2) casts duty on the competent authority to disburse the amount of compensation to the person or persons entitled thereto. Further, Sub-section (3) provides that where several persons claim the compensation amount, the competent authority will determine the person, who in its opinion, is entitled to receive the said compensation. Sub-section (4) casts statutory obligation on the competent authority to refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated when any dispute arises with respect to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable.

13. The words "shall refer the dispute" as referred in Section 3-H (4) of the Act, 1956 makes it mandatory for the competent authority to refer the dispute arising with respect to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, to the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated. The competent authority has no choice to make adjudication while exercising the said power of referring the dispute to the Principal Civil Court of original jurisdiction when any of the conditions mentioned in Section 3-H (4) of the Act, 1956 is fulfilled. Even if the dispute is with respect to the title of the concerned lands, the same is also required to be referred and adjudicated by the Principal Civil Court of original jurisdiction.

14. In the case of **K. Venkataswamy & Ors. Vs. Gowramma & Anr.**, reported in **2026 SCC OnLine SC 1487,** the Hon'ble Supreme Court has held that the expression "*any person to whom the amount… is payable*" cannot be read in isolation or assigned a narrow meaning. The entitlement to receive compensation necessarily flows from the legal right over the acquired property immediately prior to its acquisition. Consequently, where rival claimants assert

competing rights to the acquired land, the determination of the person entitled to receive compensation inevitably requires an adjudication of the underlying claim of title.

15. In the said case, Their Lordships have further held that the High Court was not correct in holding that that the Reference Court lacked jurisdiction to examine disputes relating to title. If such an interpretation is accepted, it would render the expression "*person to whom the amount is payable*" otiose and substantially defeat the object of the reference contemplated under Section 3-H (4) of the Act, 1956. A reference to the Principal Civil Court is not intended to be a mere ministerial exercise of dividing the compensation amongst the claimants. Its purpose is to secure a judicial determination of the person lawfully entitled to receive the compensation where such entitlement itself is disputed.

16. It has further been held that the jurisdiction exercised by the Reference Court under Section 3-H (4) is wide enough to incidentally determine questions of title in so far as such determination is necessary for deciding the person entitled to get the compensation arising out of the acquisition. Any contrary interpretation would frustrate the legislative scheme and compel parties to simultaneously pursue independent civil suits for declaration of title, thereby defeating the very object of referring the dispute to the Principal Civil Court.

17. In the case in hand, the petitioner's claim is that as per the Oraon customary law, the respondent No.6 is not entitled to get the amount of compensation of the said lands, rather the petitioner is the only person who deserves to get the said compensation. The petitioner had also filed representation on 14.02.2026 before the respondent No.2 for referring the dispute to the Principal Civil Court. Thus, the dispute raised by the petitioner was with respect to the person to whom the compensation amount was payable and the said dispute was required to be referred to the Principal Civil Court of original jurisdiction in terms with Section 3-H (4) of the Act, 1956.

18. This Court is of the view that the respondent No.2 has committed an error in not referring the dispute raised by the petitioner to the Principal Civil Court of original jurisdiction and giving liberty to the petitioner to get the dispute resolved by the Competent Court, would frustrate the legislative scheme of the Act, 1956.

19. For the reasons as aforesaid, the impugned order dated 20.07.2026 passed by the respondent No.2 is hereby quashed with a direction to the respondent No.2 to refer the dispute raised by the petitioner to the Principal Civil Court of original jurisdiction for its adjudication.

20. The present writ petition is accordingly disposed of with the aforesaid observation and direction.

Satish/A.F.R

(RAJESH SHANKAR, J)