

(2020) 01 PAT CK 0198

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 54 Of 2020

Dharamshila Devi

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 13-01-2020

Acts Referred:

National Highways Act, 1956 — Section 3G, 3G(5)

Citation : (2020) 01 PAT CK 0198

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Surendra Kumar Mishra, Arun Kumar Singh, Rakesh Kumar Shrivastava

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned GP 15 for the State.

2. The petitioner has moved the Court for the following relief:

"That the petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate Writ in the nature of Mandamus commanding the respondents to make genuine payment of compensation to the petitioner for her commercial land appertaining to Chak Kati No. 11, Chak Plot No. 18, measuring 127 Square Metres (One Katha), situated at Mauza-Kauadih, PS and Anchal- Shiva Sagar, District-Rotas at Sasaram which has been acquired by Respondents for extension of N.H.2 (G.T. Road)."

3. Learned counsel for the petitioner submitted that for the first time, he received notice under Section 3G of the National Highways Act, 1956 (hereinafter referred to as the 'Act'), with regard to his land being acquired and the compensation determined. It was submitted that the same has been done on an erroneous presumption that the land was agricultural whereas, the fact is that it was commercial. In support of such contention, learned counsel drew the attention of the Court to various sale deeds, which indicate that the rate of the

adjoining land was much higher than the rate which was fixed for payment of compensation to the petitioner.

4. Learned counsel for the State submitted that under Section 3G(5) of the Act, if the amount determined by the competent authority is not acceptable to either of the parties, on an application made by them, be determined by the Arbitrator appointed by the Central Government. It was, thus, submitted that the petitioner may avail of the said remedy which is available under the Act itself.

5. Faced with the situation, learned counsel for the petitioner submitted that he may be permitted to approach the authorities concerned.

6. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to file his objection in terms of Section 3G(5) of the Act before the Arbitrator appointed by the Central Government. He shall appear before the respondent no. 4 within two weeks from today and shall be informed of the Arbitrator appointed by the Central Government for considering objection under Section 3G(5) of the Act. Such information shall be provided to the petitioner within two working days of him appearing before the respondent no. 4. Upon being provided such information, the petitioner shall file detailed objection along with supporting documents before the Arbitrator within three weeks from being made aware of such Arbitrator appointed by the Central Government. Upon doing so, the Arbitrator shall ensure that final orders are passed, on the application filed by the petitioner before him, latest within four weeks from the date of filing of such application. The parties shall thereafter be at liberty to take steps with regard to the decision rendered by the Arbitrator under Section 3G(5) of the Act.