
(2020) 09 JH CK 0027
In the Jharkhand High Court
Case No : Writ Petition(C) No.7238 Of 2019

Kishun Das Goswami

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

National Highways Act, 1956 — Section 3H(3)

Citation : (2020) 09 JH CK 0027

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : K. S. Nanda, Anish Mishra, Amrit Raj Kiskoo

Final Decision : Disposed Of

Judgement

This case is taken up through video conferencing.

The present writ petition has been filed for issuance of direction upon the respondent nos.2, 3 & 4 to make payment of compensation of Rs.26,96,263.92 with suitable interest in terms with award no.516 dated 9th September, 2017 issued in favour of the petitioner by the office of the respondent no.3 towards acquisition of the land along with residential house pertaining to plot no.3107/5, Khata no.77, situated at village Kulgo, Circle Dumri, District Giridih. Further prayer has been made for issuance of direction upon the respondent no.3 to take decision on the representation filed by the petitioner on 13 th November, 2019 as well as legal notices dated 7th September, 2019 and 23rd September, 2019 by which the petitioner has made request to make payment of the said amount to him in consequence of Award no.516 dated 9th September, 2017.

Heard learned counsel for the parties and perused the contents of the writ petition.

The grievance of the petitioner is that despite preparation of the award in his favour, the compensation amount for acquisition of the aforesaid land for widening of N.H.2 has not been paid to him. On perusal of the petitioner's

representation submitted before the respondent no.3, it appears that one Ganga Rani, wife of Jodho Ram has filed an objection in relation to the said award, which, according to the petitioner, has been made without any basis only to delay the payment of compensation to the petitioner.

Considering the fact that there is a counter claim in relation to the award in question and the matter requires factual determination, the respondent no.3 (competent authority) is directed to take appropriate decision under Section 3H(3) of the National Highways Act, 1956 with regard to entitlement for receiving the compensation amount. The said determination shall be done by the said respondent within a period of three months from the date of receipt/production of a copy of this order.

This writ petition is, accordingly, disposed of.