

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.854 of 2022

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1. Surendra Prasad (Awardi No. 7), aged about 45 years, Male Son of Late Baleshwar Yadav.
 2. Uma Devi (Awardi No. 6) aged about 54 years, Female, Wife of Late Nand Kishor Prasad.
 3. Vijay Kumar Yadav (Awardi No. 13 & 14) aged about 56 years, Male Son of Mahvir Singh Yadav.
All residents of Village- Nakatpura, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, the Principal Secretary, Revenue and Land Reform Department, Bihar, Patna.
2. The Collector, Nalanda.
3. The Additional Collector, Nalanda.
4. The Competent Officer cum District Land Acquisition Officer, Nalanda.
5. The Deputy Collector, Land Reforms, Biharsharif, Nalanda.
6. The Anchal Adhikari, Biharsharif, Nalanda.
7. Union of India through Director, National Highway Authority of India, Bihar Unit, Patna.
8. The Executive Engineer, National Highway Authority of India (NHAI), Division-2, Bhaisasur, Old Ranchi Road, Biharsharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC 19
For NHAI	:	Mr. S. N. Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 31-03-2022 Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioners is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

In the writ petition, the petitioners have prayed as



under:-

“That this is an application for issuance of an appropriate writ/order/direction particularly, in the nature of writ of mandamus, commanding upon the respondent authorities to make payment of compensation amount of the acquired lands of the petitioners at the rate of commercial land after deduction of the paying amount and for any other relief/s for which the petitioners may be found entitled to in the facts and circumstances of the case.”

Admittedly, the remedy lies in filling of an application before Arbitrator in terms of Section 3 G (5) of the Act, 1956, if a person aggrieved on the adequacy of compensation or otherwise.

Keeping in view the provisions under Section 3 G (5) of the Act of 1956, this Court deem it appropriate to allow the petitioners to approach the concerned Commissioner, who acts as an Arbitrator for matters relating to NHAI, for claiming the interest amount or any additional amount if he may choose.

Considering the aforesaid the writ petition is dismissed with the liberty aforesaid.

(Sanjeev Prakash Sharma, J)

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