

IN THE HIGH COURT OF JUDICATURE AT PATNA
Sikandar Singh
Versus
The Union of India & Ors.
Civil Writ Jurisdiction Case No. 5862 of 2018
09 February, 2023
(Hon’ble Mr. Justice Anil Kumar Sinha)

Issue for Consideration

Whether the petitioner, being co-owner of the acquired land, was wrongly denied compensation which was instead paid in entirety to respondent No. 7, and whether the dispute required reference to the Principal Civil Court under Section 3-H(4) of the National Highways Act, 1956.

Headnotes

Taking into consideration the fact that compensation has not been paid to the petitioner, he is directed to raise his claim before the competent authority for land acquisition (CALA), who, in turn, will refer the matter before the principal civil court of original jurisdiction in accordance with the provisions of Section 3-H(4) of National Highways Act for adjudication. (Page 2)

Case Law Cited

None mentioned.

List of Acts

National Highways Act, 1956

List of Keywords

Land acquisition, Compensation dispute, National Highways Authority of India, Section 3-H(4), Principal Civil Court, Apportionment

Case Arising From

Acquisition of land by the National Highways Authority of India for the construction of the 6th lane of N.H. 2 and disbursement of compensation exclusively to respondent No. 7.

Appearances for Parties

For the Petitioner: Mr. Rajesh Kumar Singh
For the Respondents: Mr. Raj Kishore Roy, GP-18
For the NHAI: Mr. S. N. Pathak

Headnotes Prepared by Reporter: Mr. Amit Kumar Mallick, Advocate.

Judgment/Order of the Hon’ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5862 of 2018

Sikandar Singh Son of Dukhi Yadav @ Sukhdeo Singh, Resident of Vilage-
Suara, P.O.- Pahleja, District- Rohtas.

... .. Petitioner/s

Versus

- 1. The Union Of India
- 2. The Secretary, National Highway, Road and Transport Authority, Govt. of India, New Delhi.
- 3. The State of Bihar.
- 4. The Director, Land Acquisition, Bihar, Patna.
- 5. The Collector, Rohtas Bihar.
- 6. The District Land Acquisition Officer, Rohtas Bihar.
- 7. Raj Nath Singh, Son of Late Sukhdeo Singh @ Dukhi Singh, Resident of village- Suara, P.O. Pahleja, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh
For the Respondent/s : Mr.Raj Kishore Roy-Gp18
For the NHAI : Mr. S. N. Pathak

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-02-2023 The grievance of the petitioner is that the land was acquired by the National Highway Authority for the purpose of construction of 6th lane of N.H. 2, but the compensation has not been given to the petitioner and the same has been given to respondent No. 7.

Learned Counsel appearing for the National Highway Authority of India relied upon Section 3-H (4) of National Highways Act, 1956, and submits that dispute regarding the wrong payment arises as to the apportionment of the amount or



any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction.

I have heard learned counsel for the parties concerned.

Taking into consideration the fact that compensation has not been paid to the petitioner and according to the petitioner, the petitioner is also owner of the land and was entitled to half of the compensation amount, but 100 per cent of the compensation amount has wrongly been paid to respondent No. 7, accordingly, I direct the petitioner to raise his claim before the competent authority for land acquisition (CALA), who, in turn, will refer the matter before the principal civil court of original jurisdiction in accordance with the provisions of Section 3-H (4) of National Highways Act for adjudication.

With the aforesaid observation and direction, this writ application is disposed.

AFR/
Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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