

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****W.P.(C) No. 1716 of 2020**

Dasrath Prasad ... .. Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Ranchi
2. The Deputy Commissioner, Giridih
3. The District Land Acquisition Officer, Giridih
4. National Highway Authority of India (NHAI) having its regional office at Ashok Nagar, Ranchi
5. Project Director, PIU, National Highways Authority of India, Dhanbad

... .. Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner :- Mr. Ravi Prakash Mishra, Advocate

For the State :- Mr. Ashok Kumar Singh, A.C. to S.C. (L&amp;C)-III

For the NHAI :- Ms. Khusboo Kataruka, Advocate

**Order No. 03****Dated: 14.09.2020**

The present case is taken up through video conferencing.

2. At the request of the learned counsel for the petitioner, the defects, as pointed out by the office, are ignored.
3. The present writ petition has been filed for issuance of direction upon the respondents to consider the objection raised by the petitioner against the amount of compensation fixed for acquisition of land appertaining to plot no. 4726/2, Khata no. 393, Thana No. 139 (Bagodar), Mouza- Atkadih measuring total area of 04 decimals out of which 0.0073 acre has been acquired for the purpose of widening (six laning) of National Highway No.-02 between Aurangabad to Barwadda Section.
4. Learned counsel for the petitioner submits that earlier, an award was prepared in connection with the land in question on 15.04.2015 showing the land of the petitioner consisting of house/shop and the compensation amount to the extent of Rs.19,97,155.67/- was assessed. However, subsequently vide notice dated 05.07.2019, the petitioner was offered compensation of Rs.14,47,820.68/- for acquisition of 0.0073 acre of land. It is also submitted that the respondent authorities are bound to assess compensation in view of the letter dated 08.08.2016 issued by the Department of Revenue, Registration and Land Reforms, Government of Jharkhand, under

which it has been stipulated that even after demolition of the part of the house, if the rest part is no longer suitable for residential purpose, the compensation of entire constructed area has to be determined and the said raiyat is entitled for payment of compensation accordingly.

**5.** Learned counsel for the State as well as the respondent-NHAI jointly submit that the petitioner appears to be dissatisfied with the quantum of compensation fixed by the competent authority under the National Highways Authority Act, 1956 (in short "the Act, 1956"), hence the petitioner has the recourse of raising an objection against the quantum of compensation fixed by the competent authority before the arbitrator appointed by the government.

**6.** Having heard the learned counsel for the parties and keeping in view the nature of the prayer made in the writ petition, without entering into the merit of the claim of the petitioner, he is given liberty to prefer an application/objection before the respondent no. 3 raising objection on the point of quantum of compensation. On receipt of the said application, the respondent no. 3 shall take appropriate steps to refer the matter to the arbitrator in terms with the provisions of Section 3-G(5) of the Act, 1956 within a period of two weeks from the date of receipt of the said application/objection. Further, the arbitrator shall take an appropriate decision in accordance with law preferably within a period of four months thereafter.

**7.** The writ petition is accordingly disposed of with aforesaid liberty and direction.

**(Rajesh Shankar, J.)**