

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1382 of 2020

Sundarlal Mahto Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Ranchi
 2. The Deputy Commissioner, Giridih
 3. Land Acquisition Officer, Giridih-cum-Competent Authority, Giridih
 4. Project Director, National Highway Authority of India, Dhanbad
- Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner :- Mr. Ajit Kumar, Advocate
 For the State :- Mr. Devesh Krishna, S.C. (Mines)-III
 For the NHA :- Mrs. Sweety Topno, Advocate

Order No. 03

Dated: 10.09.2020

The present case is taken up through video conferencing.

2. Learned counsel for the petitioner undertakes to serve two copies of the writ petition to Mrs. Sweety Topno, learned counsel for the respondent no. 4 today itself.
3. At the request of the learned counsel for the petitioner, the defects, as pointed out by the office, are ignored.
4. 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 consisting a residential house.
5. Learned counsel for the petitioner submits that Mohini Devi- the mother of the petitioner purchased 6 decimals of land by way of sale deeds dated 01.10.1996 and 16.01.1997. Said Mohini Devi died on 05.09.2012 leaving behind the petitioner and his two brothers. The land possession certificate has also been issued in favour of the petitioner and his brothers in relation to Plot no. 1287A measuring an area of 06 decimals. Subsequent to issuance of notification for acquisition of the land for the purpose of widening (six laning) of National Highway No.-02 under the provisions of the National Highways Act, 1956 (in short, "the Act, 1956"), an award was prepared being Award No. 352 in favour of the petitioner and his two brothers namely Manohar Lal Mahato and Rang Lal Mahato for an amount of Rs.19,17,377.28/- It is further submitted that though the

nature of land has been shown to be residential, yet no compensation with regard to the residential structure existing over the said land has been paid to the petitioner and his brothers. Though they objected the quantum of the award before the respondent no. 2, however no decision has been taken as yet on the said issue.

6. Mr. Devesh Krishna, learned S.C. (Mines)-III appearing on behalf of the respondent nos. 1 to 3, submits that the petitioner has filed the present writ petition making vague statements. Moreover, no copy of objection claimed to have been raised against the quantum of compensation fixed by the authorities, has been annexed with the writ petition. However, if the petitioner is aggrieved with the quantum of compensation, he may prefer an application under Section 3-G(5) of the Act, 1956 before the competent authority i.e. the respondent no. 3 and thereafter a decision will be taken by the said respondent for referring the matter to the arbitrator appointed under the Act, 1956.

7. Having heard the learned counsel for the parties and considering the fact that the petitioner is aggrieved with the quantum of compensation fixed for acquisition of the land in question, without entering into the claim of the petitioner, he is given liberty to prefer an application/objection before the respondent no. 3 under Section 3-G(5) of the Act, 1956. On receipt of the said application, the respondent no. 3, shall refer the matter to the arbitrator appointed under the Act, 1956 within a period of four weeks from the date of filing of the said application/objection.

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

(Rajesh Shankar, J.)