

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.7804 of 2026

Shakuntala Devi, wife of Shyam Raj Sahu, resident of village
Chiyanki, P.O. & P.S. Chiyanki, District Palamau (Jharkhand).

..... Petitioner.

-Versus-

1. The State of Jharkhand
2. Additional Collector, Palamau.
3. District Land Acquisition Officer, Palamau.
4. Project Director, National Highway Authority of India (NHAI),
near Sohsa, Ranchi Road, Redma, Daltonganj, P.O. and P.S.
Ranchi Road, District Daltonganj (Jharkhand).

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Rahul Kr. Gupta, Advocate
Mr. Surya Prakash, Advocate
For the State : Mr. Faisal Allam, AC to SC (Mines)-III
For NHAI : Mr. Amrit Raj Kisku, Advocate

Order No.02

Date: 07.10.2026

1. The present writ petition has been filed for quashing the order dated 18th March, 2026 (Annexure-5 to the writ petition) passed in Land Acquisition Case No.01 of 2021-22, whereby the District Land Acquisition Officer-cum-Competent Authority, NHAI, Palamau- respondent no.3 has referred the purported dispute before the Civil Judge (Sr. Division)-II, Palamau for adjudication of the dispute and upon quashing the same, the said respondent may be directed to make payment of compensation in terms of the order/award dated 16th October, 2025 passed by the Additional Collector, Palamau-cum-Arbitrator, NHAI- respondent no.2.

2. The learned counsel for the petitioner submits that the petitioner purchased the land situated at Mouza-Chiyanki, Thana-Daltonganj, Thana No.206, District Palamau under Khata No.22, Plot No.156, measuring an area of 1.05 acres and constructed a house over 5 decimals of the said land.
3. It is further submitted that the National Highways Authority issued a notification dated 1st March, 2023 under Section 3A of the National Highways Act, 1956 (hereinafter referred as 'the Act, 1956') for acquisition of several plots of land at different villages including the petitioner's aforesaid land. In the aforesaid notification, the nature of the said land was mentioned as "Tand-2 house".
4. It is submitted that another notification dated 30th November, 2023 was issued under section 3D of the Act, 1956 and in the said notification also, the nature of the said land was mentioned as Tand-2 house", however, the respondent no.3 prepared the award of the said land under section 3G(1) of the Act, 1956 by treating it as agricultural land.
5. It is contended that the petitioner raised a dispute under section 3G(5) of the Act, 1956 and the same was referred to the respondent no.2, who passed the award on 16th October, 2025 by holding that the petitioner is entitled to be paid the award in terms of the notification issued under section 3A and 3D of the Act, 1956.
6. It is also argued that the respondent no.3 did not comply the order dated 16th October, 2025 and referred the matter to the

Civil Judge (Sr. Division)-II, Palamau in terms with Section 3H(4) of the Act, 1956.

7. It is submitted that the duty of the competent authority (respondent no.3 herein) is only with regard to determination of the amount of compensation and he cannot be said to be an aggrieved party and as such he is bound to act in terms with the order/award passed by the arbitrator.
8. It is further submitted that the respondent no.3 referred the matter to the Civil Judge (Sr. Division)-II, Palamau without there being any dispute with regard to apportionment of the amount of compensation or any part thereof.
9. Learned counsel appearing on behalf of the respondent-State submits that in the revenue records, the nature of the said land is recorded as "agriculture" and as such the petitioner is not entitled to be paid compensation for residential land.
10. Heard the learned counsel for the parties and perused the materials available on record.
11. Section 3H (4) of the Act, 1956 provides that if any dispute 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 within the limits of whose jurisdiction the land is situated.
12. In the present case, there is no dispute with regard to apportionment of the amount or any part thereof or to any person to whom it is payable and thus the condition precedent for

referring the matter to the principal civil court of original jurisdiction does not exist.

13. Moreover, once the Arbitrator makes an order/award under Section 3G(5) of the Act, 1956, either the beneficiary (NHAI herein) or the concerned person/awardee can be said to be aggrieved with the same. The recourse against the order/award made by the Arbitrator under Section 3G(5) of the Act, 1956 is under Section 34 of the Arbitration and Conciliation Act, 1996. In any event, the respondent no.3, who is the competent authority under the Act, 1956, has no jurisdiction to sit over the order or to question the correctness of the order/award made by an Arbitrator.
14. On perusal of the order/award dated 16th October, 2025, it appears that NHAI had not made any objection towards giving compensation to the petitioner as per the nature of the land mentioned in the notification under section 3A and 3D of the Act, 1956.
15. The impugned order dated 18th March, 2026 passed by the respondent no.3 is a gross case of insubordination. The respondent no.3 has defied the order/award dated 16th October, 2025 made by the respondent no.2, who is otherwise his superior authority.
16. Under the said circumstances, the impugned order dated 18th March, 2026 passed by the respondent no.3 being without jurisdiction is hereby quashed and set aside. The respondent no.3

is directed to implement the order/award dated 16th October, 2025 forthwith unless there is any other legal impediment.

17. The writ petition is, accordingly, allowed.

(Rajesh Shankar, J.)

7th October, 2026
Sanjay/
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