

Court No. - 2

Case :- WRIT - C No. - 22969 of 2021

Petitioner :- Ram Saran

Respondent :- U.O.I. Thru. Secy. Min. Of Road Transport And Highways And Ors.

Counsel for Petitioner :- Pintoo,Amit Kumar Keshari,Jay Narayan Mishra

Counsel for Respondent :- C.S.C.,A.S.G.,Krishna Lal Yadav,Sarvesh Kumar Dubey,Uma Shankar Sahai

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Neeraj Tiwari,J.

(CMA No. IA/17/2022-Application for Substitution)

Heard.

The application is allowed.

The heirs of the deceased petitioner be brought on record.

(Order on Petition)

1. Heard learned counsel for parties.
2. The prayer made in the instant petition is for a direction to the respondents to pay compensation to the petitioner for an area measuring 0.038 hectare of Gata No. 85 situated at Village Keshavpur, Pachpokhara, Pargana & Tehsil Tanda, District Ambedkarnagar at commercial rate.
3. The admitted facts are that the aforesaid land of the petitioner was acquired under the provisions of National Highways Act, 1956. The competent authority made an award on 20.12.2018. Aggrieved thereby, the petitioner approached the Arbitrator and he gave award on 12.3.2018 by treating the acquired land of the petitioner as agricultural land. The case of the petitioner is that the aforesaid land was commercial in character and therefore, the compensation was wrongly determined.
4. By Section 3 (G) (6) of the National Highways Act, 1956, the provisions of Arbitration & Conciliation Act, 1996 have been made applicable to every award given under the provisions of National Highways Act, 1956. Consequently, the petitioner has remedy of challenging the award of the Arbitrator by filing

objection under Section 34 of the Arbitration & Conciliation Act, 1996.

5. We, therefore, are not inclined to examine the issue in exercise of writ jurisdiction and leave it open to the petitioner to avail such remedy, as may be advised.

6. The writ petition is disposed of with the aforesaid liberty.

Order Date :- 27.10.2023

Virendra