

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.54 of 2015

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Harihar Choubey, S/o Late Suryanath Choubey, resident of village -
Dahyaman, P.O. and P.S. Dahyaman, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The Union of India through its Secretary, the Ministry of Railway, New Delhi.
2. The Ministry of Railway through the Deputy Chief Project Manager, Eastern Dedicated Freight Corridor Corporation of India Ltd. In the District of Rohtas and Kaimur at Bhabua.
3. The Divisional Commissioner, Patna -Cum - Arbitrator for the special Railway Project namely Eastern Dedicated Freight Corridor, at District Patna.
4. The State of Bihar through Competent Authority -Cum - District Land Acquisition Officer, Kaimur at Bhabhua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Prasad Pandey, Sr. Adv. with
Mr. Pravin Kumar Sinha, Adv.

For the Respondent/s : Mr. Shyam Kishore Sharma, G.A.1

For the Corporation : Mr. Ashok Kumar Keshri, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 29-07-2015 Heard Mr. Bibhuti Prasad Pandey, learned Senior

Counsel for the petitioner, Mr. Shyam Kishore Sharma, G.A.1

for the State and Mr. Ashok Kumar Keshri, learned counsel for

the respondent Nos. 2 and 3.

The writ petition was filed questioning the order dated 28.2.2013 passed by the Commissioner, Patna Division, Patna as an Arbitrator under Section 20F (6) and (8) of the Railways Act, 1989 inter alia on grounds that the disposal of the objection filed by the petitioner to the award passed on 27.3.2011, a copy of which is placed at Annexure-4 to the writ



petition, is by a non-speaking order. It is the contention of the petitioner that the rejection of the objections raised as to the classification of land as well as its valuation is unsustainable. Mr. Pandey, learned senior counsel after some arguments prays for disposal of the writ petition seeking liberty for the petitioner to question the decision of the Arbitrator by taking recourse to the remedy as available to him under Section 34 of the Arbitration and Conciliation Act, 1996 in so far as it seeks to reject the claim of the petitioner.

Although Mr. Keshri, learned counsel for the Corporation attempts to object to the liberty so being sought by Mr. Pandey but considering the provisions of Section 20(F) (6) of the Railways Act making the provisions of the Arbitration and Conciliation Act applicable to all awards so passed under the Railways Act, in my opinion, the liberty so sought by the petitioner is just and reasonable and has to be allowed.

The writ petition is disposed of accordingly.

It is made clear that this Court has not expressed any opinion as to the merits of the case.

It goes without saying that any such application being filed by the petitioner within 4 weeks from today if accompanied with an application for condonation of delay, shall be considered

and disposed of by the prescribed authority in accordance with law and after hearing of contesting parties bearing in mind the pendency of the issue before this Court in the present application.

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(Jyoti Saran, J)