

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11462 of 2011

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1. National Highway Authority Of India Project Implementation Unit,, Varanashi
S-8/108,F-4 Dig Colony ,Maqbool Alam Road Varanashi ,U.P.Through Its Project
Director

.... Petitioner/s

Versus

1. The Union Of India Through , Its Secretary,Ministry Of Road Transport &
Highway S, New Delhi
2. Ram Dular Rai S/O Late Deonath Rai Resi. Of Village -Dahaur ,P.O.Pahaleja
,P.S.-Dehri Via Dalmianaar ,Anchal Dehri ,Dist.-Rohtas ,Bihar
3. Rama Shankar Rai S/O Late Deonath Rai Resi. Of Village -Dahaur
,P.O.Pahaleja ,P.S.-Dehri Via Dalmianaar ,Anchal Dehri ,Dist.-Rohtas ,Bihar
4. Rana Vijay Pratap Singh S/O Late Deonath Rai Resi. Of Village -Dahaur
,P.O.Pahaleja ,P.S.-Dehri Via Dalmianaar ,Anchal Dehri ,Dist.-Rohtas ,Bihar
5. Mst. Indrawaso Kuar W/O Late Deonath Rai Resi. Of Village -Dahaur
,P.O.Pahaleja ,P.S.-Dehri Via Dalmianaar ,Anchal Dehri ,Dist.-Rohtas ,Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh

For the Respondent/s : Mr. Awadhesh Kumar Pandey
Mr. Ravinder Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 10-09-2015

Heard.

The writ application has been filed for the following

reliefs:-

(i) For issuance of writ in the nature of certiorari for quashing the order dated 21.01.2011 passed by Sub Judge-III, Sasaram, Rohtas in Misc. Case No. 23/2006 as contained in Annexure-1 by which the Learned Sub Judge has rejected the objection of the petitioner pertaining to the jurisdiction of the Court of Sub Judge to entertain an application under Section 34 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 1996 Act).

(ii) For a declaration that in the State of Bihar

the District Judge of a district alone is the Principal Civil Court of original jurisdiction and a “Court” as defined under Section 2((1)(e) of the 1996 Act and does not include any other court subordinate to him.”

It has been stated on behalf of the petitioner that a Division Bench of this Court in the case of ***Shivam Housing Pvt. Ltd. and Anr. Vs. Thakur Mithilesh Kumar Singh and Anr. 2015 (3) PLJR 876*** has held that the District Judge of a district shall be the Principal Civil Court of original jurisdiction and a Court as defined under Section 2(1)(e) of the 1996 Act. It does not include any other Subordinate Court.

In view of the aforesaid, two reliefs prayed for in this application merits to be allowed.

Counsel for the Union of India has not disputed the aforesaid contention of the petitioner. In other words, he has conceded that the law with regard to the jurisdiction of the Principal Civil Court has been settled by a Division Bench of this Court in the aforesaid case.

Seen thus, the writ application is allowed, the order dated 21.01.2011 passed by the Subordinate Judge-III, Sasaram, Rohtas in Misc. Case No. 23 of 2006 is quashed and set aside.

(Kishore Kumar Mandal, J)

Pankaj/-

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