

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3246 of 2014

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Abdul Hai Ansari S/O Rahmaantullah Ansari, resident of Village- Mathuri,
P.S- Dehri, District- Rohtas

.... Petitioner/s

Versus

1. The Chief Project Manager (Ministry of Railway), Dedicated Freight Corridor Corporation of India Limited, 122/1, Syamkunj, Dafi, Varanasi.
2. The Commissioner, Patna Commissioner, Patna.
3. The Collector, Rohtas.
4. The District Land Acquisition Officer, Rohtas.
5. The Union of India through D.R.M. C.C. Railway, Mungersarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent 2 to 4 : Mr. Krishna Chandra, AC to AG

For the Respondent No.5 : Mr.Bijay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 19-05-2016

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 28.2.2013/18.03.2013 passed by the Arbitrator-cum-Commissioner, Patna Division, Patna, as contained in Annexure-1, whereby the respondent Arbitrator in exercise of his powers under Section 20-F (6) of The Railways Act, 1989 (in short, the Act”) has affirmed the award prepared by the competent authority.

The learned State counsel, appearing on behalf of the respondent nos. 2 to 4 as also learned counsel appearing on behalf of the other respondents, at the very threshold, submitted that against the impugned order, the petitioner has an alternative and equally efficacious remedy before the civil court of competent jurisdiction in view of the provisions contained in Section 20-F (7) of the Act.

Submissions appear to be correct.

In above view of the matter, the present writ petition is dismissed, but liberty is granted to the petitioner to avail of the alternative remedy, as indicated above, for grant of appropriate relief(s) with respect to lands in question

(Birendra Prasad Verma, J)

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