

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4879 of 2016

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Gorakh Nath Singh Son of Late Dharmraj Singh, Resident of Village-
Ghataon, P.S.- Kudra, District- Kaimur at Bhabua.

.... Petitioner

Versus

1. The Union of India, through its General Manager, East Central Railway, Haripur.
2. The Chief Project Manager, Dedicated Freight Corridor Corporation of India, Limited, Varanasi.
3. The Divisional Rail Manager (DRM) East Central Railway, Mughalsarai.
4. The Arbitrator cum Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, District- Kaimur at Bhabua.
6. The Competent Authority cum District Land Acquisition Officer, District- Kaimur at Bhabua.
7. The Circle Officer, Kudra, District- Kaimur at Bhabua.

.... Respondents

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with

Civil Writ Jurisdiction Case No.4385 of 2016

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Ram Bachan Singh Yadav @ Ram Bachan Singh son of Late Balroop
Yadav, Resident of village- Ghataon, P.S.- Kudra, District-Kaimur at
Bhabua

.... Petitioner

Versus

1. The Union of India, through its General Manager East Central Railway Hajipur
2. The Chief Project Manager, dedicated Freight Corridor Corporation of India Limited, Mughalsarai, Varanasi
3. The Divisional Rail Manager (DRM), East Central Railway, Mughalsarai
4. The Arbitrator Cum Divisional Commissioner Patna Division, Patna
5. The District Magistrate, District- Kaimur at Bhabua
6. The Competent authority cum District Land Acquisition Officer, District- Kaimur at Bhabua
7. The Circle Officer, Kudra, District- Kaimur at Bhabua

.... Respondents

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Appearance :

(In CWJC No.4879 of 2016)

For the Petitioner/s : Mr. Ramchandra Singh, Adv.

For Respondent No. 2 : Mr. A.K. Keshri, Adv.

For Respondent No.1-3 : Mr. Bijoy Kr. Sinha, Adv.

For the State : Mr. P.R. Singh, AC to AAG-15

(In CWJC No.4385 of 2016)

For the Petitioner/s : Mr. Ramchandra Singh, Adv.

For Respondent No. 2 : Mr. A.K. Keshri, Adv.



For Respondent No. 1 to 3
For the State

Mr. Bijoy Kr. Sinha, Adv.
Mr. Krishna Chandra AC to AG

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

6 08-05-2017 Heard learned counsel for the petitioners as well as
learned counsel appearing for the respondents.

Both the above stated writ petitions have been filed for
issuance of direction to competent authority to prepare an award in
view of order dated 25.04.2015/ 08.05.2015 passed by the
Arbitrator cum Divisional Commissioner, Patna as well as for
issuance of direction to the respondents to pay the enhanced
amount of award along with reasonable compensation and
compound interest thereof.

The lands of the petitioners were acquired for East-
West Corridor and the rate of the lands was fixed Rs. 1,41,800/-
per decimal treating the lands as residential lands. The respondent
no. 2 filed an application before the Arbitrator challenging the
nature of the lands and for reducing the rate as fixed earlier. The
prayer of respondent no. 2 was allowed and the acquired lands
were treated as agricultural lands and accordingly, the rate of
acquired lands was reduced. However, the petitioners challenged
the order of Arbitrator cum Divisional Commissioner, Patna
before this Court in CWJC Nos. 11493 of 2013 and 22211 of 2013



which were allowed on 10.03.2014 directing the Arbitrator to pass a fresh order after giving opportunity of hearing to the petitioners. Thereafter, the Arbitrator cum Divisional Commissioner, Patna heard the matter and again treated the acquired lands as residential lands and enhanced the rate fixed for the aforesaid lands. However, the respondent no. 2 challenged the aforesaid award before the Civil Court in Civil Misc. No. 39 of 2016 as well as Civil Misc. No. 44 of 2016 and the aforesaid civil miscellaneous cases were dismissed being time barred vide order dated 14.02.2017 against which miscellaneous appeals have been preferred which are still pending before this court.

Learned counsel for the petitioners submits that petitioners only want that they should get the compensation amount as fixed by the Arbitrator cum Divisional Commissioner, Patna but learned counsel appearing for the respondent no. 2 submits that compensation amount has already been paid to the petitioners treating the acquired lands as agricultural lands and moreover, according to Section 36 of the Arbitration and Conciliation Act, 1996, only civil court has got jurisdiction to execute the award and, therefore, these writ petitions are not maintainable.

Considering the aforesaid facts and circumstances as



well as submissions of the parties, both the writ petitions stand dismissed having become infructuous. However, petitioners may take steps for execution of awards before appropriate forum in accordance with law.

(Hemant Kumar Srivastava, J)

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