

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1581 of 2018

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1. Raj Kumar Singh,
2. Ram Pukar Singh Both Sons of Late Sukhdeo Singh Resident of Village-
Pritampur, P.O.-Tengra, P.S.-Barun, District-Aurangabad (Bihar).
.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Aurangabad.
3. The Arbitrator-cum- Additional Collector, Aurangabad.
4. The Land Acquisition Officer, Aurangabad.
5. The Project Director, National Highway Authority of India, Baranasi Zone
(U.P.).
6. The Circle Officer, Barun.
7. The Anchal Amin, Barun, District-Aurangabad
8. The Commissioner of Income Tax, CR Building II Floor, Birchand Patel Marg,
Patna.
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv
For the Respondent/s : Mr.Saurabh Kumar, A.C. to S.C. 19
: Smt. Archana Shahi, Adv
: Mr.Sanjeev Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-09-2018

Heard learned counsel for the parties.

2. Admitted fact of the case is that land of the petitioners was acquired for expansion of the National Highway. Details of the land acquired is referred in para 5 of the writ petition. The competent authority awarded compensation treating the land as residential land. Thereafter, the petitioners challenged the award of the competent authority before the Arbitrator under Section 3-G(5) of the National Highways Act, 1956.



3. By the impugned order dated 25.05.2017 passed in L.A.Case No.28 of 2015-16 contained in Annexure-2 the Arbitrator has rejected the claim of the petitioners that the acquired land was a commercial land.

4. According to sub-section 6 of Section 3-G of the National Highways Act, 1956, the provisions of the Arbitration and Conciliation Act, 1996 is applicable to every arbitration under the Act. Section 34 of the Arbitration and Conciliation Act, 1996 provides for recourse to a Court against an arbitral award.

5. Since, the petitioners have statutory remedy to approach the Court as well as considering the facts that Writ Court cannot go into the disputed question of fact as to whether the acquired land is agricultural land or commercial land, this writ application is devoid of any merit. Accordingly, it stands disposed of with liberty to the petitioners to move the Court within time prescribed under Section 34 of the Arbitration and Conciliation Act, 1996 which shall be counted from the date of this order.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2018
Transmission Date	NA

