

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3901 of 2017

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Arun Kumar Tiwari son of Late Rama Shankar Tiwari resident of Village -
Cheharai, P.S. - Durgawati, District - Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue Department, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The Collector, Kaimur.
4. The District Land Acquisition Officer, Kaimur.
5. The Circle Officer, Durgawati.
6. The Chief Project Manager, Eastern Dedicated Freight Corridor, East Central Railway, Mughalsarai (UP).
7. The Executive Engineer, Eastern Dedicated Freight Corridor, East Central Railway, Mohania (Kaimur).
8. Shyam Sundar Rai son of Sri Dharmdeo Rai Resident of Village - Betwarkhurd, PS - Jamania, District - Gajipur (UP) at present Kanungo, District Land Acquisition Section, Collectorate, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Advocate
For the Respondent/s	:	Mr. Md. Fakhruddin Ali Ahmad, AC to AAG12
For Respondent No.6	:	Mr. Ashok Kumar Keshari, DFCCIL Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 23-08-2018

The land of the petitioner was acquired under the Railways Act, 1989. Compensation amount was also decided by the competent authority. The petitioner was not satisfied with the amount decided, therefore, the petitioner challenged the same before the Arbitrator under sub-section (6) of Section 20F of the Railways Act, 1989.

The Arbitrator decided the enhanced amount of award. However, did not award 12% additional compensation on the basis of Social Impact Assessment. Therefore, this writ application has



been filed for direction to the respondents to allow additional compensation of 12% per annum.

Indirectly, the petitioner has challenged the award of the arbitrator, which can be challenged under Section 34 of the Arbitration and Conciliation Act, 1996 as has been held by a Division Bench of this Court in the case of *The Project Director, National Highway Authority, Araria at Purnea, Bihar and Another versus Md. Gufran Alam and Others*, reported in 2014(1) PLJR 207.

Second prayer of the petitioner is for 18% interest from the date of award of the arbitrator till date of actual payment of the award, which was made only on 19.01.2017, vide cheque of the award amount at *Annexure-7*.

Learned counsel for the respondents has filed their counter affidavit, challenging the maintainability of the aforesaid prayer of the petitioner.

Since the petitioner has statutory remedy, hence, this writ application stands disposed of with liberty to the petitioner to raise the issue before the competent civil court.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

