

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.454 of 2018**

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1. Ram Govind Pandey, Son of Late Janki Pandey,
  2. Arvind Pandey,
  3. Pravin Pandey,
  4. Rajesh Pandey,
  5. Ram Naresh Pandey,
  6. Sanjeev Pandey, All petitioner no. 2 to 6, Son of Late Ram Narayan Pandey,
  7. Most. Munarika Devi, Wife of Late Ram Narayan Pandey, All are resident of Village - Pritampur, P.O. - Tangra, P.S. - Barun, District - Aurangabad.

.... .... 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 High Way 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, C.R. Building, II Floor, Birchand Patel Marg, Patna.

.... .... Respondent/s

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**Appearance :**

|                          |                                      |
|--------------------------|--------------------------------------|
| For the Petitioners      | : Mr. Shailesh Kumar Singh, Advocate |
| For the Respondent No. 8 | : Ms. Archana Sahi, S.C.             |
|                          | Mr. Sanjeev Kumar                    |
| For the State            | : Mr. Mukul Prasad, A.C. to G.P. 18  |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 10-09-2018**

Heard learned counsel for the parties.

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 7 of the writ petition. The competent authority awarded compensation treating the land as agricultural 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.

By the impugned order, the Arbitrator has rejected the claim of the petitioners that the acquired land was a commercial land. 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.

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)**

Kundan/-

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| AFR/NAFR          | N.A.       |
| CAV DATE          | N.A.       |
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