

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6224 of 2018

1. Laldeo Saw, Son of Late Ramjatan Saw
2. Bishwanath Saw, Son of Late Basudeo Saw
3. Bharat Saw, Son of Late Narayan Saw @ Naurang Saw, All are Residents of Village + P.O.- Tengra, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Aurangabad.
3. The Land Reforms Deputy Collector, Aurangabad.
4. The Land Acquisition Officer, Aurangabad.
5. The Arbitrator-cum- Additional Collector, Aurangabad.
6. The Project Director, NH-2, Varanasi Zone U.P.
7. The Circle Officer, Barun, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. W.A. Khan, A.C. to S.C.-25
For the N.H.A.I.-	:	Mr. S.N. Pathak, SC

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 23-05-2019

Heard the parties.

2. This writ petition has been filed by the petitioner under Article 226 of Constitution of India to quash the order dated 24.05.2017 passed by Arbitrator-cum-Additional Collector, Aurangabad in L.A. No. 27/2016-17 by which the claim of petitioner with regard to category of acquired land to be treated as commercial land as well as enhancement of compensation amount has been rejected by the learned Arbitrator by the impugned order.



3. According to Sub-Section (6) of Section 3G of National Highways Act, 1956, the provisions of Arbitration and Conciliation Act, 1996 is applicable, as such, a person who is aggrieved by the arbitral award has remedy to approach the District Judge under Section 34 of Arbitration and Conciliation Act, 1996 which is the Principal Civil Court of original jurisdiction. Present writ petition is not maintainable in view of law laid down by Division Bench of this Court in case of Project Director, National Highways Authority and others Vs. Md. Gufran Alam & Ors since reported in 2014 (I) PLJR 207 and is accordingly dismissed. However, dismissal of writ petition will not preclude petitioner to approach the competent court under the provisions of Arbitration and Conciliation Act, 1996 for redressal of his grievances. If any such petition is filed before such court, the court may consider to condone the delay under Section 14 of the Limitation Act for the period during which the writ petition remain pending in this Court.

4. The writ petition is disposed of.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.05.2019
Transmission Date	N.A.

