

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3301 of 2019**

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Vijay Choudhary Son of late Ram Narayan Choudhary Resident of Village-  
Ward no. 8 Tulapatganj P.S. Sangram, District-Madhubani.

... .. Petitioner/s

Versus

1. The National Highways Authority of India and Ors through the Regional Officer, N.H.A.I. Patna
2. The State of Bihar through Secretary Bihar Land Reforms and Revenue Department Govt. of Bihar, Patna
3. The District Collector, Madhubani.
4. The Land Acquisition Officer Cum- Addl. Collector, Madhubani.
5. The Arbitrary Cum-Addl. Collector Madhubani.
6. The Project Director, N.H.A. Madhubani, District- Madhubani.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr.Gagan Deo Yadav              |
| For the Respondent/s | : | Mr.Subash Chandra Yadav (GP-15) |
| For NHAI             | : | Mr. S.N. Paqthak, SC            |

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      25-02-2019                      Heard learned counsel for the parties.

2. The petitioner is aggrieved by an order dated 09.06.2018 of the Arbitrator passed under Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as ‘the act’). The submission that the Arbitrator instead of rejecting the petitioner’s claim, in view of the nature of the dispute involved ought to have referred the matter to a competent civil court in accordance with the provisions under Section 3H(4) of the Act is not acceptable to this Court as Section 3H(4) of the Act shall apply only if there is any dispute in respect of apportionment of the amount or any part thereof or to any person to whom same



or any part thereof is payable. In the present case the Tribunal by the impugned award dated 09.06.2018 has rejected the petitioner's claim on the ground that no land belonging to him has been acquired. This Court in a proceeding under Article 226 of the Constitution of India cannot go into the nature of the dispute, which is being attempted to be raised.

3. The petitioner has remedy of approaching the competent Court of civil jurisdiction, in accordance with law, against the impugned order under Section 34 of the Arbitration and Conciliation Act, 1996.

4. This application stands disposed of.

**(Chakradhari Sharan Singh, J)**

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