

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4761 of 2018

=====

Hira Mani Devi, Wife of Baijnath Singh, Resident of Village- Pritampur, P.O.-
Tengra, P.S.- Barun, District- Aurangabad Bihar. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate, Aurangabad.
3. The Arbitrator-cum-Additional Collector, Aurangabad.
4. Land Acquisition Officer, Aurangabad.
5. The Project Director, National High Way Authority of India, Bran Zone, U.P.
6. The Circle Officer, Barun Aurangabad.
7. The Anchal Amin, Barun, Aurangabad.
8. The Commissioner of Income Tax, C.R. Building-II Floor, Birchand Patel Marg,
Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy -Gp18
For the N.H.A.I.	:	Mr. S. N. Pathak, SC

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 22-05-2019

Heard parties.

Admitted fact of the case is that land of the petitioner 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 petitioner challenged the award of the competent authority before the Arbitrator under Section 3-G of the National Highways Act, 1956.

By the impugned order dated 23.05.2017 passed in L.A. Case No.27 of 2015-16 contained in Annexure-4, the Arbitrator has rejected the claim of the petitioner 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 petitioner has 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 residential land or commercial land, this writ application is devoid of any merit. Accordingly, it stands disposed of with liberty to the petitioner to approach the Court within time as prescribed under Section 34 of the Arbitration and Conciliation Act, 1996. The court concerned while considering the delay shall take into consideration Section 14 of Limitation Act, the period in which the writ petition remained pending before High Court.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2019
Transmission Date	NA

