

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15042 of 2019

=====

Shafi Ahmad Son of Late Abdul Bari, Resident of Village Panhesa, P.O. and P.S. and District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner-cum-Arbitrator, Patna Division, Patna.
3. The District Magistrate Cum-Collector, Nalanda.
4. The District Land Acquisition Officer, Nalanda.
5. The Project Director (Technical) Project Execution Unit National Highway-82 Rajgir, Nalanda at Biharsharif.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Amar Nath Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-07-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking quashing of the order dated 04.04.2019/ 29.04.2019 passed by the Divisional Commissioner cum Arbitrator, Patna Division in N.H. Arbitration Case No. 17/2018 whereby and whereunder petitioner's claim for determination of amount of compensation against acquisition of his land at commercial rate has been rejected.

3. Apparently, the order, which the petitioner is challenging, is an award made by the Arbitrator in terms of Section 3-G(5) of the National Highways Act, 1956. Sub-



Section (6) of the Act clearly states that provisions of Arbitration and Conciliation Act, 1996 shall apply to every arbitration under the Act of 1956.

4. In view of clear provision under Section 3-G(6) of the Act of 1956 the petitioner has remedy under Section 34 of 1996 Act by making an application for setting aside the award.

5. This writ application for setting aside the award of an Arbitrator cannot be maintained in the facts and circumstances of the case. The application is accordingly dismissed as not maintainable.

6. I have not gone into the correctness of the award and it goes without saying that the petitioner shall be at liberty to question the same in accordance with law in appropriate proceeding.

(Chakradhari Sharan Singh, J)

Rajesh/-

U			
---	--	--	--

