

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2110 of 2019

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Lakhan Prasad Gupta S/o Jageshwar Sao, R/o Village Dharamshala Chowk PS
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue Department Govt. of Bihar Patna
2. The Divisional Commissioner Magadh Range Gaya Bihar
3. The Collector Aurangabad, Bihar.
4. The District Land Acquisition Officer Aurangabad Bihar
5. The Project Director National Highway Authority of India National Highway -02 Sasaram Fazalganj Behind Bijli Board Office Sasaram Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nishant Kumar Sinha Md. Waliur Rahman
For the Respondent/s	:	Md. Khurshid Alam (AAG-12) Mr. Arun Kumar Bhagat, AC to AAG-12
For the N.H.A.I.	:	Mr. S.N. Pathak, (S.C.)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-02-2019 Heard learned counsel for the parties.

The petitioner's land is said to have been acquired in 2010 under the National Highways Act, 1956 (hereinafter referred to as 'the Act').

Aggrieved by the calculation of the amount of compensation, the petitioner had raised objection as envisaged under Section 3G of the Act. The matter had gone to the arbitrator appointed under the Act, which appears to have remained pending for several years.

This is not disputed at the bar, that earlier the Additional Collector of the district used to be the arbitrator,



which power has now been vested in the Divisional Commissioner of Divisions in the State of Bihar. The matter has, thus, now been transferred to the Divisional Commissioner, Magadh Pramandal, Bihar. The only direction, which the petitioner is seeking that his matter pending before the arbitrator may be directed to be disposed of within a time limit.

A proceeding before an arbitrator under the National Highways Act, 1956, is to follow the provisions of the Arbitration and Conciliation Act, 1996 and Rules made thereunder. In a proceeding under Article 226 of the Constitution of India, the Court cannot issue any specific direction to the arbitrator for conclusion of the arbitration proceeding within a particular time.

However, considering the fact that the petitioner's claim has remained pending for more than eight years, the Court expects that the matter pending before the Divisional Commissioner, Magadh Pramandal, Bihar, is expeditiously concluded.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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