

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20642 of 2018

Chandeshwar Kumar Son of Late Hirday Narayan Singh, Resident of Village-Dhakhingeon, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Land Acquisition Officer, Gaya.
5. The General Manager National Highway Authority, Gaya.
6. The Additional Collector-cum-Arbitrator National Highway, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the Respondent/s	:	Mr.Sajid Salim Khan -SC-25
		Ms. Prakritita Sharma, AC to SC-25
For NHAI	:	Mr. Shri Nath Pathak
		Mr. Sourav Nikunj

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-03-2021 Heard learned counsel for the parties.

2. In the present writ application filed under Article 226 of the Constitution of India, the petitioner has put to challenge an order dated 04.08.2018 passed by the Arbitrator-cum-Additional Collector, Gaya, whereby, he has refused to interfere with the amount of compensation fixed by the District Land Acquisition Officer, Gaya in Arbitration Case No. R.A 101/2016-17.

3. Learned counsel appearing on behalf of the



petitioner has relied on a decision of this Court dated 28.11.2019 passed in **CWJC No. 2067 of 2019 (Suresh Prasad Singh Vs. State of Bihar and another)**, wherein, in identical circumstance, this Court has quashed the similar order on the ground that before issuance of the said order dated 04.08.2018, the Department of Surface Transport and Highways had come out with a notification authorizing the Divisional Commissioner of respective Divisions to function and pass the award as an arbitrator in place of the Additional Collector of the district.

4. Apparently, without noticing the said decision of the Department of Surface Transport and Highways, Govt. of India, the Additional Collector passed the said order, which is beyond jurisdiction.

5. Learned counsel for the petitioner has submitted that the impugned order is beyond jurisdiction on the face of it, in the light of the observations made by this Court in the order dated 28.11.2019 in case of **Suresh Prasad Singh** (supra).

6. I find substance in the submission made on behalf of the petitioner.

7. In my opinion, on the date of passing of the order impugned dated 04.08.2018, the Additional Collector did not have the jurisdiction to function as an Arbitrator under the Act.



The said order cannot be sustained, which is, accordingly, set aside.

8. This application is allowed.

9. Let the Arbitrator within the meaning of the Act pass an order afresh in the arbitration proceeding, in question.

(Chakradhari Sharan Singh, J)

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