

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2433 of 2019

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1. Satyendra Singh and Ors Son of Ramdhari Singh Resident of Village- Karmaini Mohabat P.S.- Kuchaikot, District- Gopalganj
 2. Deobrat Singh Son of Ramdhari Singh Resident of Village- Karmaini Mohabat P.S.- Kuchaikot, District- Gopalganj
 3. Baliram Singh @ Baliram Rai Son of Ramsewati Singh Resident of Village- Karmaini Mohabat, P.S.- Kuchaikot, District- Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Bihar
2. The District Magistrate, Gopalganj
3. The Competent Officer, N.H. 28 cum-Executive Magistrate cum District Land Acquisition Officer, Gopalganj
4. The Circle Officer, Kuchaikot, District- Gopalganj
5. The Union of India through the Secretary, Ministry of Road Transport, New Delhi
6. The Project Officer NH 28 Bihar, Bhagwanpur, Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 28-11-2022

Heard the parties.

The additional award in favour of the petitioners was passed on 11.08.2016. The award has been challenged by NHAI filing a title suit in the Court of Sub Judge-1, Gopalganj in 2020. As this Court earlier held that any arbitration award can be challenged by filing an application before the District-Judge under Section 34 of the Arbitration and Conciliation Act, 1996 and therefore, this Court directed for personal appearance of the Project Director concerned.

Heard the parties including Learned Additional



Solicitor General, Government of India.

The petitioners cannot be denied the fruits of the award and he cannot be kept waiting for such a indefinite period.

The NHAI will pay the amount to the State Government. The amount must be deposited in the Court of District Judge, Gopalganj and the District Judge, Gopalganj will keep that amount in the FDR and in case NHAI files any application under Section 34 before the District Judge, Gopalganj, the same shall be disposed of within four months of its filing.

Any limitation shall be considered in accordance with law. This observation of the High Court will not mean the condonation of delay by the District Judge, Gopalganj in filing the appeal.

The amount shall be released in favour of the petitioners after four months even if the matter is not decided by the District Judge, Gopalganj.

(Sandeep Kumar, J)

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