

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1696 of 2022

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Pushpesh Kumar Patel S/O Sanjay Singh, R/o Village - Chitawon, P.S. -
Dinara, District - Rohtas.

... .. Petitioner/s

Versus

1. The Union of India through Chairman, Road Transport and National Highway Authority, New Delhi.
2. The State of Bihar through Secretary Department of Revenue Patna, Bihar.
3. District Magistrate, Rohtas.
4. Additional District Magistrate, Rohtas.
5. Land Reform Deputy Collector, Rohtas.
6. The District Land Acquisition Officer, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vishal Saurabh, Advocate
For the Respondent/s	:	Mr.Dr. Krishna Nandan Singh, ASG
		Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-03-2022

Petitioner has prayed for the following relief(s):

“I. For issuance of writ or writs in the nature of certiorari quashing the order dated 09-12-21 passed by the court of Arbitrator-Cum-Divisional Commissioner, Patna in N.H. Arbitration case no. 164/2019 by which the learned Arbitrator without going through the records of the case and even without applying his independent judicial mind that whether petitioner has filed any documentary evidence in



support of his claim or even without going through the documentary evidence available on record, rejected the claim of the Petitioner which is erroneous, perverse and unknown to the law thus it is fit to be set aside.

II. After setting aside the order of learned Arbitrator the Hon'ble court may be pledge to further quash the order dated 30-07-18 passed by Respondent no. 6 in L.A. case No-20/2016-17 whereby and where under the learned land acquisition officer fixed the value of land without following the procedure as laid down under the Act and also ignoring the observation of six man committee report as well as other documents available on record, which shows non application of mind and is perverse, vindictive and against the law hence fit to be set aside.

III. For further issuance of writ in the nature of Mandamus directing the Respondent Authorities either to follow Section 26 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (in Short RFCTLARR Act, 2013) or to follow the guideline/directive dated 12-04-17 issued by the Central Government, as the Petitioner filed their objection on 24-12-18 against the value determined by the Respondent no.-8, so that Petitioner may get their compensation according to the prevalent rate of said mauja at least as per the circle rate fixed by the state Government whose lands were



acquired under the scheme of Central Government for expansion of NH-2 at Mauja-Belarhi, Thana No-107, P.S.-Darigaon, Sasaram, District-Rohtas due to which he has become landless and is under starvation condition.”

Petitioner lays challenge to the award dated 09.12.2021 passed by the learned Arbitrator in N.H. Arbitration Case No.164 of 2019. The present petition, filed under Article 226 of the Constitution of India, is totally misconceived in law. The law on the issue is evidently clear as stands laid down by the Hon’ble Apex Court in (2005) 8 SCC 618, titled as SBP & CO. Vs. Patel Engineering Ltd. And Anr. (Paras- 45, 46 and 47) and reiterated in (2020) 15 SCC 706, titled as M/s. Deep Industries Ltd. Vs. Oil and Natural Gas Corporation (Para-17), to which our attention is invited by Shri Sajid Salim Khan, SC-25. The petitioner ought to have taken recourse to the remedies provided under the provisions of the Arbitration and Conciliation Act, 1996.

In this view of the matter, petition is disposed of, reserving liberty to the petitioner to take recourse to such other alternative remedies as are otherwise available in law.

It stands clarified that we have not expressed any opinion on the merits of the claim.



Needless to add, the time spent in pursuing the present petition shall not be counted for the purposes of limitation, should the petitioner institute proceedings in accordance with law.

Petition is disposed of in the aforesaid terms.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	28.03.2022
Transmission Date	

