

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13946 of 2021

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Kashi Nath Yadav Son of Late Rambarat Yadav Resident of Village- Doghara,
Police Station- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road, Transport and Highways, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi- 110001.
2. The Ministry of Road, Transport and Highways through its Secretary, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi- 110001.
3. The Secretary, Ministry of Road, Transport and Highways, through its Secretary, Government of India, Transport Bhawan, 1, Parliament Street, New Delhi- 110001.
4. The Arbitrator-cum- the Divisional Commissioner, Patna.
5. The Competent Authority-cum- District Land Acquisition Officer, Arrah.
6. The District Magistrate-cum- Collector, Bhojpur, Arrah.
7. The Additional District Magistrate, Bhojpur, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Ashok Kumar Singh, Advocate
For the Union of India	:	Dr. K. N. Singh (ASG)
		Mr. Ravinder Kr. Sharma, CGC
		Mr. Lokesh , AC to CGC
For the State	:	Mr. Md. Khurshid Alam, AAG 12

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-11-2022 Heard the parties.

The order dated 06.04.2021 passed by the Divisional
Commissioner-cum-Arbitrator, Patna in N.H. Arbitration Case
No.776 of 2018 is under challenge.

The petitioner is permitted to withdraw this writ petition
to challenge the order dated 06.04.2021 before the District
Judge, Bhojpur.

The District Judge, Bhojpur will consider the fact that



only limited ground for interfering in the award under Section 34 of the Arbitration and Conciliation Act, 1996 (in short, “Arbitration Act”) is prescribed. He will not travel beyond the provisions of Section 34 of the Arbitration Act while hearing the appeal of the petitioner. The District Judge, Bhojpur will dispose of the petition under Section 34 of the Arbitration and Conciliation Act within six months of its filing.

The locus of NHAI will also be examined by the District Judge, Bhojpur whether the NHAI can challenge the award made by the Arbitrator under the provisions of the National Highway Act, 1956.

If an application is filed before the District Judge, Bhojpur within sixty days from today, limitation, if any, shall be condoned by the District Judge, Bhojpur who shall hear the case on merits.

The District Judge, Bhojpur at Ara is directed to hear the matter himself and not to transfer to any Additional District Judge, Bhojpur at Ara.

With the aforesaid observation and direction, this writ petition is disposed of.

(Sandeep Kumar, J)

Harsh/-

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