

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10851 of 2022**

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Babu Chand Singh son of Late Hari Narayan Singh, Resident of Village-Khaira, P.O.-Sikariyan, P.S.-Darigaon, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The Arbitrator cum Commissioner, Patna Division, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Registration Officer, Rohtas, Sasaram.
5. The General Manager cum Project Director, National Highway Authority of India, Project Office, Varanasi (U.P.).
6. The Project Manager Technical National Highway Authority of India, Project Office, Varanasi (U.P.).
7. The Competent Authority cum District Land Acquisition Officer, Rohtas at Sasaram.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Surender Prasad Singh, Advocate  
For the Respondent/s : Mr.Raj Kishore Roy (GP-18)

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 17-10-2022**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(I) To issue rule in the nature of certiorari to quash the order dated 09.12.2021 issued by respondent no.2 and also to quash the notice dated 20.12.2021 (communicating the order of respondent no.2) issued by respondent no.6 (Annexure-7) Series) in the name of petitioner, passed in arbitration case no. 136/2019 by respondent no.2, the arbitrator cum commissioner, Patna Division, Patna by which the respondent no.2 was pleased to reject the claim

of the petitioner on the ground that he and his advocate, both were satisfied and given consent regarding fixation of rate of compensation by the Govt. of Bihar.

(ii) To issue rule in the nature of mandamus commanding the respondent, authorities i.e. respondent no.2 disposed of the case of the petitioner after hearing him and his counsel to give an opportunity to the petitioner to raise his grievance and disposed off after hearing the petitioner and his counsel in accordance with law.

(iii) To grant any other relief and reliefs for which the petitioner is entitled.”

In view of the present affidavit filed by Shri Surendra Prasad Singh (Annexure-8, page-65) *inter alia* pleadings as under:-

“4. That the learned Arbitrator cum Divisional Commissioner Patna in first para of his order, has wrongly mentioned that advocate of the petitioner is present in the court at the time of hearing of the aforesaid case.”

We quash and set aside the order dated 09.12.2021 (page 63) passed by Arbitrator-cum-Commissioner in N.H. Arbitration Case No. 136 of 2019 with a direction to the appropriate authority to pass a fresh order in accordance with law.

Petitioner undertakes to appear before the appropriate authority on 1<sup>st</sup> of November, 2022 at 10:30 A.M. and also to place a copy of this order on the file.

We direct the appropriate authority to pass a reasoned

and speaking order, copy thereof be supplied to the petitioner.

Needful be done within three months.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Rajiv/veena-

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