

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11811 of 2022

=====

Jagdish Singh

... .. Petitioner/s

Versus

The Union of India

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Mritunjay Kumar
For the Respondent/s	:	Mr. Rishi Raj Sinha SC 19
For the Union of India	:	Dr. K.N. Singh ASG
		Mr. Saurabh Kumar
For the NHAI	:	Mr. S.N. Pathak SC

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 11-10-2022 Heard the parties.

The only limited prayer of the petitioner is that the impugned Award No. 28 dated 08.09.2021 and Award No. 29 dated 14.09.2021 as contained in Annexure 12 and 13 has been passed by the authority who is not competent to pass the same.

He further submits that Arbitrator-cum-Additional Collector, Muzaffarpur has passed the award dated 13.05.2017 as contained in Annexure 8.

Learned counsel for the State submits that he will file counter affidavit. This Court has heard the learned counsel for the petitioner, State and the NHAI. It is purely the question of



law and that this Court will not wait for counter affidavit to be filled by the parties. When the land has been acquired for construction of National Highway, the award passed by the Arbitrator-cum-Additional Collector, Muzaffarpur is perfectly legal and justified and the impugned award passed by the District Land Acquisition Officer, Muzaffarpur is illegal i.e. Award No. 28 dated 08.09.2021 and Award No. 29 dated 14.09.2021 as contained in Annexure 12 and 13.

In that view of the matter, this application is allowed and such Annexure 12 and Annexure 13 is hereby quashed.

The learned counsel for the petitioner further informs this Court that the NHAI has approached the Court of District and Sessions Judge under Section 34 of the Arbitration and Conciliation Act 1996. The appeal of the NHAI under Section 34 of the Act can be decided and will be decided by the District Court in accordance with law.

The District Judge, Muzaffarpur is directed to hear the appeal under Section 34 of the Act registered as Misc. Case No. 56 of 2017 and dispose the same after hearing the parties within four months from the date of communication of this order and he is also directed to decide the appeal himself and will not transfer the same to any other Court.



With the aforesaid observation and direction, this application is allowed.

Let a copy of the order be communicated to the District Judge, Muzaffarpur through FAX and e-mail forthwith.

(Sandeep Kumar, J)

Sunnykr/-

U			
---	--	--	--

