

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1694 of 2023

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Smt. Nutan W/o- Arun Kumar Gupta R/o- Ward No.- 2, Manikpur, P.O.-
Mankpur, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary of Transport and Road Construction Ministry, New Delhi.
2. The Chairman, National Highway Authority of India, Dawarika, New Delhi.
3. The Project Director, N.H.- 106, Office at Purnea, Bihar.
4. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Bihar, Patna.
5. The Executive Engineer, National High Way No.- 106, Govt. of India NH Division, Madhepura.
6. The District Collector, Madhepura, District- Madhepura.
7. The Land Acquisition Officer Cum Competent Authority, N.H.- 106, Madhepura.
8. The Circle Officer, Madhepura Circle, District- Madhepura.
9. The Regional Officer Ministry of Road Transport and Highways (North), Government of India, Khagaul, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr. R.K.Sharma, CGC
Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-05-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has filed the instant application for
the following reliefs:

*“(i) For issuance of an appropriate writ in the
nature of Mandamus directing /commanding the
respondents to pay the re-valuated compensation
Award amount in light of order passed by*



commissioner's court Koshi Circle, Saharsa in Arbitration case no.31/2020 on the application filed by the petitioner (ANNEXURE-3).

(ii) For restraining the respondents from taking any coercive steps i.e forcefully demolition, till the revaluated compensation is not paid.

(iii) To grant any other relief/s for which the petitioner is entitle in the eye of law.”

At the outset a preliminary objection is raised by learned counsel for the respondents to the effect that the instant application filed for execution of the arbitration award is not maintainable because the petitioner has an equally alternative and efficacious remedy as provided under section 36 of the Arbitration and Conciliation Act, 1996.

At this stage, learned counsel for the petitioner submits that subsequent to the filing of the instant application, the petitioner has also filed an application under section 36 of the Arbitration Act. However, the same continues to remain pending.

Having heard learned counsel for the parties and taking into consideration the submissions made by learned counsel for the respondents, the Court is of the opinion that the petitioner does have an alternative and efficacious remedy under section 36 of the Arbitration Act which as per the submission made by the learned counsel for the petitioner, he has already



availed of.

In case the application preferred by the petitioner under section 36 of the Arbitration Act has not already been decided/disposed of, the authority concerned will expedite the disposal of the same.

This application stands disposed of.

(Partha Sarthy, J)

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