

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3301 of 2023

1. Harihar Prasad Singh, Son of Late Narayan Singh, Resident of Mohalla - Pratapganj, P.S. - Sasaram, District - Rohtas.
2. Ajay Singh, Son of Sri Lalan Singh, Resident of Mohalla - Gandhi Nagar, Behind Income Tax Office, Ward No. 8, Sasaram, P.S. - Sasaram, District - Rohtas.
3. Ram Shankar Singh, Son of Late Kanaiya Singh, Resident of Mohalla - Ward No. 8, Pramila Sadan, Gandhi Nagar, P.S. - Sasaram, District - Rohtas.
4. Kamlesh Singh, Son of Sri Shiv Narayan Singh, Resident of Village - Chandi, P.S. - Akodih Gola, District - Rohtas.
5. Dharmendra Kumar, Son of Sri Rajendra Singh, Resident of Village - Dalalganj, P.S. - Sasaram, District - Rohtas.
6. Baban Kumar, Son of Sri Rajendra Singh, Resident of Village - Dalalganj, P.S. - Sasaram, District - Rohtas.
7. Rabindra Kumar Singh, Son of Late Ram Nath Singh, Resident of Village - Murhi, P.S. - Darigaon, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar.
2. The Collector, Rohtas.
3. The District Land Acquisition Officer, Rohtas.
4. The Circle Officer, Sasaram.
5. The National Highway Authority of India, New Delhi.
6. The Regional Officer, NHAI, S.K. Puri, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jay Prakash Singh, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam (AAG12)
For the NHAI	:	Sri Ram Krishna, Advocate
		Mr. Prabhat Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 25-07-2023

No one appears on behalf of the petitioners. However,

learned counsel for the State and learned counsel for the NHAI

are present.



2. From perusal of the records, it appears that the present writ petition has been filed for quashing the order passed by the Arbitrator-cum-Divisional Commissioner, Patna in NH Arbitration Case No. 170/2019 (Annexure-11) against the award passed by the Competent Authority-cum-District Land Acquisition Officer, Rohtas, Sasaram in Award Case No. 16/2016-17 (Annexure-10). It transpires from Annexure-11 i.e. order under challenge that the present arbitration case has arisen from the acquisition of land for the construction of the National Highway which covers from the National Highways Act, 1956 (hereinafter referred to as the 'Act of 1956').

3. Learned counsel for the State submits that the order passed under Section 3G(5) of the Act of 1956 is under challenge before this Court in the present writ petition which is not maintainable due to the reason that the statutory remedy is available under the Arbitration and Conciliation Act, 1996 and in this regard there is a clear cut legislative instruction laid down under Section 3G (6) of the Act of 1956.

4. In this view of the matter, since there is already a statutory remedy available against the order impugned, this writ petition stands disposed of granting liberty to the petitioner to raise his grievances before the appropriate forum as indicated in



Section 3G(6) of the Act of 1956 within 90 days from the date of receipt/production of a copy of this order.

5. With the aforesaid observation and direction, the present writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2023
Transmission Date	NA

