

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5254 of 2022

Prabhawati Devi Wife of Haridwar Sah, Resident of Village - Rasendua, P.O.
- Dumari Shahpur, P.S. - Shivsagar, Sub Division- Sasaram District - Rohtas
at Sasaram.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Railway, New Delhi.
2. The State of Bihar through Secretary, Land Acquisition and Compensation Department.
3. The Commissioner, Patna.
4. The Divisional Commissioner-cum-Arbitrator Patna Commissionery, Patna.
5. The Project Director, D.F.C.C.I.L., Rohtas, Sasaram.
6. The District Magistrate, Rohtas, Sasaram.
7. The Competent Authority-cum-District Land Acquisition Officer, Rohtas, Sasaram.
8. The Six Men Committee, headed by Collector, Rohtas, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Adv.
	:	Ms. Bindu Kumari, Adv.
For the UOI	:	Ms. Raj Kamal, C.G.C.
For the State	:	Mr. Mukul Prasad, AC to GP-18.
For the DFCCIL	:	Mr. Tiwari Shwetketu, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner, learned
counsel for the Union of India, learned counsel for the
D.F.C.C.I.L. and learned counsel for the State.

2. The present writ petition has been filed by the
petitioner for quashing of the order dated 16.10.2020 passed by
Arbitrator-cum-Divisional Commissioner, Patna in Railway
Arbitration Case No.28 of 2019, Award No.10 dated 17.07.2019
passed in Case No.1 of 2019-20 and the order dated 03.07.2019

passed by Competent Authority-cum-District Land Acquisition Officer, Rohtas at Sasaram in Case No.01 of 2019-20.

3. Counsel for the D.F.C.C.I.L. (Respondent no.5) raised preliminary objection that the present writ petition is not maintainable due to the reason that land has been acquired under the Railway Act and according to Section 20F of the Railway Act, the remedy available to the petitioner against the order passed by Arbitrator under the Arbitration and Conciliation Act is to move before the Principal Civil Court under Section 34 of the Arbitration and Conciliation Act, 1996.

4. Counsel for the State and counsel for the Union of India agree on the contention made by counsel for respondent no.5.

5. In this background, the present writ petition is disposed off directing the petitioner to avail remedy before the competent forum as mentioned under the Railway Act within four weeks.

(Dr. Anshuman, J.)

ravishankar/-

U			
---	--	--	--