

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18248 of 2015

=====

Kapildeo Prasad Son of Babulal Prasad Sah Resident of Village - Kaurihar,
P.S. - Raxaul, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department - cum -
Director, Land Acquisition, Bi
3. The Project Director, National Highway Authority of India, Ministry of
Road Transport and Highway P
4. The Collector, East Champaran, Motihari.
5. The Additional Collector, East Champaran, Motihari.
6. The District Land Acquisition Officer, East Champaran, Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ravi Kumar, Adv.
For the State/s	:	Mr. Mahendra Pd. Verma, AC to SC20
For the NHAI/s	:	Mr. Dr. Anand Kumar, Adv.
	:	Mr. Ramesh Gupta, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed directing the respondents to make the payment of compensation as per the market value which is acquired for construction of NH-28-A from Pipra Kothi to Raxual in Land Acquisition Case No. 06 of 2012 in which 70 % of compensation has been paid @ Rs. 12,500/- per decimal. Counsel further prayed that for the adjacent plot the same respondent has paid Rs.1,76,000/- per decimal. Therefore, the petitioner seeks a direction that his

payment should also be made @ Rs. 1,76,000/- per decimal and arrears amount should also be paid.

3. Counsel for the petitioner fairly submits that the petitioner has moved under Section 3G(5) of the National Highways Act, 1956 in Arbitration Case No. 01 of 2014-15 before the Arbitrator, but final order has come on 05.12.2014 and his case has not been taken into consideration.

4. Counsel for the NHAI submits that the remedy left to the petitioner is to move under Section 34 of the Arbitration and Conciliation Act as there is legislative direction under Section 3G(6) of the National Highways Act, 1956. Counsel further raised a Division Bench Judgment of this Court *i.e., the Project Director, NHAI, Araria at Purnea & Anr. Vs. Md. Gufran Alam & Ors. reported 2014 (1) PLJR 207* which also states that the remedy against Sections 3G and 3H of the National Highways Act, 1956 available under Section 34 and 36 of the Arbitration and Conciliation Act.

5. In this view of the matter, this writ petition is hereby disposed of directing the petitioner to avail the remedy under the provision of the Arbitration and Conciliation Act, 1996.

6. The delay in filing the application under Section 34

of the Arbitration and Conciliation Act, 1996 is directed to be condoned.

7. The petitioner shall be at liberty to file an application under Section 34 of the Arbitration and Conciliation Act, 1996 raising all the legal points and the authority under Section 34 of the Arbitration and Conciliation Act, 1996 is directed to consider those legal points raised by the petitioner in the writ petition.

8. With the aforesaid direction, the present writ application stands disposed of.

(Dr. Anshuman, J.)

prakashmani/-

U			
---	--	--	--