

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1746 of 2018**

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Harihar Choubey S/o Late Suryanath Choubey, Resident of Village P.O.-
Dahiyaon, P.S.- Durgawati District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The Union Of India.
2. The Ministry of Railway through the Deputy Chief Project Manager Eastern Dedicated Freight Corridor.
3. The Divisional Commissioner, Patna cum Arbitrator for the Special Railway Project namely Eastern Dedicated Freight Corridor.
4. The State of Bihar through Competent Authority cum District Land Acquisition Officer Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Pratap Singh Mr. Praveen Kumar
For the Respondent No. 1	:	Mr. Pradeep Kumar, Sr. Adv. Mr. Sushant Praveer, Advocate
For the Respondent No. 2	:	Mr. Tiwari Shwetketu, Advocate
For the State	:	Mr. Subash Chandra Yadav- Gp15

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 10-10-2023 Heard the learned counsel for the petitioner, learned counsel for the State, learned counsel for the respondent No. 02 and learned counsel for the Railways Shri Pradeep Kumar who has submitted that now he has received a letter from the Railway Board that he is now no more required to appear in this case and Mr. Tiwari Shwetketu will appear in this case for the DFCCIL as the matter is related to the same.

2. The present application has been filed for setting aside the order dated 07.08.2018 passed by the learned



Additional District and Sessions Judge, VI, Kaimur at Bhabhua whereby in Civil Misc. Case No. 57 of 2015/17 by which the petitioner's application under Section 9 of Arbitration and Conciliation Act, 1996 has been rejected.

3. The prayer in the petition is to restrain the Railways from making corridor upon the land in question during the pendency of the Civil Misc. Case.

4. In my opinion, the impugned order should not be interfered with as the work of public use is going on and the same cannot be stopped at the instance of the petitioner only because he has some dispute with the Railways and the State with regard to the compensation over the land in question for the construction of the railway line.

5. In view of the above, this application is dismissed.

6. The District Judge, Bhabhua is directed to decide the Civil Misc. Case No. 57 of 2015/17 himself by taking back the case back in his Court from the Court of Additional District and Sessions Judge, VI, Kaimur at Bhabhua, within six months from the date of receipt/communication of a copy of this order without granting any unnecessary adjournment to either of the parties and he is also given liberty to proceed *ex-parte* against the non-cooperating party.



7. It is expected that the Railways, DFCCIL and other respondents of the Civil Misc. Case No. 57 of 2015/17 shall co-operate in this case for its early disposal.

8. Let a copy of this order be communicated to the District Judge, Kaimur at Bhabhua through FAX and e-Mail for its compliance forthwith.

(Sandeep Kumar, J)

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