

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12863 of 2017

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- 1.1. Zaibun Nisha, W/o of late Md. Usman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.
 - 1.2. Md. Islam Son of late Md. Usman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.
 - 1.3. Md. Iqbal Ansari, Son of late Md. Usman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.
 - 1.4. Sajid Alam@ Sajeed Alam, Son of late Md. Usman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.
 - 1.5. Md. Emteyaz Ansari, Son of late Md. Usman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.
 - 1.6. Md. Ekhlague Ansari, Son of late Md. Usman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.
 - 2.1. Shahda Parwin, W/o of late Md. Suleman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.
 - 2.2. Shadab Anwar Son of late Md. Suleman, Resident of Village- Darji Bigha Madanpur, P.S. Madanpur, District-Aurangabad.

... .. Petitioner/s

Versus

1. The Union of India
2. National Highway Authority of India through the Director General, Ministry of Transport, Govt. of I
3. The Project Director, National Highway-2, Govt. of India, Dhanbad Zone Jharkhand.
4. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
5. The Arbitror cum Additional Collector, Aurangabad.
6. The Competent Authority cum Land Reforms Dy. Collector, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
	:	Mr. Saket Kumar, Advocate
	:	Mr. Bhanu Pratap Singh, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 26-09-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for



following relief(s):

“1. That this is an application for issuance of an appropriate writ for setting aside the order dated 31.3.2017 passed by the respondent Arbitrator cum Addl. Collector, Aurangabad in L.A. Case No. 107/16-17 as contained in Annexure-3 by which he has refused the application filed by the petitioners, wherein it was claimed that their land acquired under National Highways Act 1956 for expansion of NH-2 into six lanes, situated at Village-Madanpur, P.S.-Madanpur, District-Aurangabad, is commercial land but the respondent Competent Authority cum Land Reforms Dy. Collector, Aurangabad had wrongly determined the amount payable as compensation thereof treating the land to be agricultural.

And further direction to the respondents concerned for treating the acquired land of the petitioners to be commercial and accordingly after determining the amount payable as compensation, it may be paid to them at the rate of commercial land.”



3. At the outset, learned counsels for the respondents submit that the petitioner is having an alternative remedy by way of filing application before the Principal Civil Court of the concerned district under Section 34 of the Arbitration and Conciliation Act.

4. Considering the above fact that the petitioners are having an alternative remedy, the petitioners are directed to file application for setting aside arbitral award before the Principal Civil Court of Original Jurisdiction, Aurangabad as per the provisions of Section 34 of the Arbitration and Conciliation Act, 1996 within a period of eight weeks along with application of condonation of delay in filing the application and the concerned Principal Civil Court after considering the fact that the petitioner was perusing his remedy before this Court shall condone the delay and dispose of the same in accordance with law.

5. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Alok Verma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.10.2024
Transmission Date	N/A

