

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4976 of 2018

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Shashi Ranjan, Son of Devendra Sharma, Resident of Village-Ore, Police Station-Belaganj, Disrict-Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The national Highway Authority of India, G 5and 6, Sector-10, Dwarka, New Delhi-110075.
3. The District Magistrate, Gaya.
4. The Additional Collector Gaya
5. The District Land Acquisition Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Archana Shahi, Advocate
For the Respondent/s	:	Mr. Saurav Kumar, AC to SC-19
For NHAI	:	Mr. S.N. Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-08-2024 Heard Mrs. Archana Shahi, learned Advocate for the petitioner and Mr. Saurav Kumar, learned Advocate for the State. Mr. S.N. Pathak, learned Advocate for the NHAI is also present.

2. The petitioner invoked the jurisdiction of this Court under Article 226 of the Constitution of India, seeking quashing of the order dated 20.07.2017 contained in memo no. 13, dated 27.07.2017, passed by the Arbitrator-cum-Additional Collector, Gaya in case no. R.B. Case No. 34 of 2014-15 whereby, the learned Arbitrator refused to enhance compensation awarded to the petitioner in respect to the acquisition of land for National



Highway 83.

3. The award in question is passed by the learned Arbitrator under the National Highways Act, 1956; as such, the petitioner has a remedy under Section 34 of the Arbitration and Conciliation Act, 1996. The invocation of the writ jurisdiction under Article 226 of the Constitution of India despite there being a statutory remedy is not available, except under exceptional circumstances.

4. In the afore-noted premise, the writ petition is not maintainable. However, the petitioner is at liberty to file proper application under Section 34 of the Arbitration and Conciliation Act, 1996 before the competent Court.

5. Suffice it to say that while considering the application for condonation of delay in filing the miscellaneous case, the Court shall also consider the factum of pendency of the writ petition, in view of Section 14 of Limitation Act, 1963.

6. The writ petition stands disposed of with the liberty aforesaid.

(Harish Kumar, J)

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