

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4076 of 2024

1. Ram Nagina Sharma Son of Late Ram Chandra Sharma Resident of Village-Khaira, P.S.- Darigaon, District- Rohtas.
2. Arjun Lohar Sharma Son of Late Ram Chandra Sharma Resident of Village-Khaira, P.S.- Darigaon, District- Rohtas.
3. Munib Sharma Son of Late Ram Chandra Sharma Resident of Village-Khaira, P.S.- Darigaon, District- Rohtas.
4. Durgawati Kunwar Wife of Late Lal Muni Sharma Resident of Village-Khaira, P.S.- Darigaon, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Arbitrator-cum-Commissioner, Patna Division, Patna.
3. The Collector, Rohtas at Sasaram.
4. The Competent Authority-cum-District Land Acquisition Officer, Rohtas at Sasaram.
5. The General Manager-cum-Project Director, National Highway Authority of India, Project Office, Varanasi (U.P.)
6. The Project Manager (Technical) National Highway Authority Project Office, Sasaram, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4
For the NHAI	:	Ms. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2024 Heard Mr. Jitendra Prasad Singh, learned counsel for

the petitioner, Ms. Soni Shrivastava representing the NHAI and

Mr. Upendra Pratap Singh, AC to SC-4.

2. The present writ petition has been preferred for the
grant of following relief/s:-

“(a) For setting aside the order dated



12.09.2023 passed by the Arbitrator-cum-Commissioner, Patna Division, Patna in NH Arbitration Case No. 135 of 2019 by which he has rejected the case filed by the petitioners under Section 3(G) (5) of the National Highway Authorities Act, 1956.

(b) For setting aside the Order/Award dated 02.07.2018 passed by the Competent Authority-cum-District Land Acquisition Officer, Rohtas at Sasaram in Case No. 18 of 2016-17 by which he has rejected the claim of the petitioners for payment of amount of compensation of the acquired land treating it commercial in place of agricultural.

(c) For direction to the respondent-authorities to pay the amount of compensation to the petitioners of their acquired land at the rate of commercial as per the provisions laid down under the National Highway Act, 1956 as well as Right to Fair Compensation Transparency in Land and Acquisition, Rehabilitation and



Resettlement Act, 2013 (in short 'the Land Acquisition Act').

(d) For grant of any other relief/reliefs for which the petitioners are legally entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner after some argument candidly accepts that now that an order has been passed, he will have to take recourse to Section-34 of the Arbitration and Conciliation Act, 1996. He submits that the petitioners shall be approaching the concerned Court pursuant to the order dated 12.09.2023 passed by the Arbitrator in NH Arbitration Case No. 135 of 2019 in next four weeks.

4. The writ petition stands disposed of with an observation that if the petitioners approached the competent Court in next four weeks, any limitation petition so filed shall be decided taking into consideration that they were pursuing the writ petition before this Court.

(Rajiv Roy, J)

Adnan/-

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