

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8465 of 2018

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Durga Sao Son of Late Sahdeo Sao, resident of Village- Narsimha, P.O. Chorukhea, P.S. Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Project Director, National Highway Authority, Varanasi.
3. The District Magistrate, Aurangabad.
4. The Land Acquisition Officer, Aurangabad. null null
5. The Arbitrator-cum-Additional Collector, Aurangabad.
6. The Sub. Divisional Officer, Aurangabad.
7. Land Reforms Deputy Collector, Aurangabad.
8. The District Registrar, Aurangabad.
9. The District Deputy Registrar, Aurangabad.
10. Executive Officer, Nagar Parishad, Aurangabad.
11. Anchal Adhikari, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Chandra Bhaskar, Advocate
For the Respondent/s	:	Mr. Annu Kumar Bhagat, AC to AAG-12
For the NHAI	:	Mr. S. N. Pathak, Advocate
		Mr. Saurav Nikunj, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2024 Heard the parties.

2. The petitioner is aggrieved by the order-cum-award dated 30.03.2017, passed by the Arbitrator-cum-Additional Collector, Aurangabad in Land Acquisition Case No. 69 of 2014-15, whereby the claim of the petitioner for payment of compensation treating the land, in question, as a commercial land has been rejected, affirming the order of the L.R.D.C.



3. Learned Advocate for the NHA I made preliminary objection with regard to the maintainability of the writ petition as the petitioner has remedy available under Section 34 of the Arbitration and Conciliation Act, 1996.

4. In view of the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the statutory remedy available to the petitioner, the writ petition stands disposed of with a liberty to the petitioner to avail the remedy as provided under Section 34 of the Arbitration and Conciliation Act, 1996 by filing an appropriate miscellaneous case.

5. Suffice it to say that while considering the application for condonation of delay, the period which has been spent by the petitioner before this Court may be considered sympathetically, in view of Section 14 of the Limitation Act.

6. The present writ petition stands disposed off with the liberty aforesaid.

(Harish Kumar, J)

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