

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9602 of 2018

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Utima Devi W/o Ranjit Sharma resident of village - Jankop, P.S. - Barun,
District - Aurangabad Bihar.

... .. Petitioner/s

Versus

1. The Union Of India
2. The General Manager Cum Project Director, Project Compliance Unit
National Highway Authority of Ind
3. The State of Bihar.
4. The Director, Land Acquisition Bihar, Patna.
5. The Collector, Aurangabad Bihar.
6. The District Land Acquisition Officer, Aurangabad Bihar.
7. The Arbitrator Cum Additional Collector, Aurangabad Bihar.
8. The Competent Authority Cum L.R.D.C., Aurangabad Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar Singh, Adv.
For the Respondent/s	:	Mr.Sajid Salim Khan -SC 25
For N.H.A.I.	:	Ms.Iti Suman, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioner, the State
and the N.H.A.I.

2. In the instant writ petition, petitioner has prayed
for the following relief(s) :

*“For issuance of writ in the nature of
certiorari for quashing the order dated
25.05.2017 contained in Annexure-6 passed by
Arbitrator-cum-Additional Collector,
Aurangabad in L.A. Case No. 78/14-15
whereby and whereunder the learned arbitrator
cum Additional Collector Aurangabad has*



dismissed the application of the petitioner without considering the facts and material available on records.

For further direction to the competent authority cum L.R.D.C. Aurangabad to assess the present market value of acquired land which is high potential value.”

3. Learned counsel for the petitioner submits that similar and identical matter has already been decided by a co-ordinate Bench of this Court in C.W.J.C. No. 7583 of 2018 and the present matter is squarely covered by the said decision. Learned counsel submits that appropriate remedy is available under section 34 of the Arbitration and Conciliation Act, 1996 to challenge the award before the competent Court. Learned counsel further submits that petitioner has been deprived at the hands of the official respondents to get adequate compensation as per the nature of the land which is of high potential value and also commercial in nature.

4. Learned counsel for the State as well as the N.H.A.I. conceded the said submission.

5. Having considering the submissions advanced on behalf of the parties, the present matter is squarely covered by the decision in C.W.J.C. No. 7583 of 2018. Accordingly, the present writ petition is disposed of with liberty to the petitioner



to file an appropriate miscellaneous case before the competent Court.

6. It is worth mentioning that the period which has already been spent in judicial forum and in pursuing the present petition may be considered sympathetically in view of section 14 of the Limitation Act, while considering the application for condonation of delay.

(Alok Kumar Pandey, J)

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