

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14148 of 2018

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1. Ramchandra Sharma and Ors Son of Late Ram Prasad Mistri,
 2. Indu Kunwar, W/o Late Shyam Sunder Sharma,
 3. Tetri Kunwar, W/o Late Jawaharlal Sharma, All are resident of Village-Jankop, P.S.- Barun, Dist- Aurangabad Bihar.

... .. Petitioner/s

Versus

1. The Union Of India and Ors.
2. The General Manager cum Project Director, Project Compliance Unit National Highway Authority of India, Varanashi Zone (U.P.)
3. The State of Bihar.
4. The Director, Land Acquisition Bihar, Patna.
6. The Collector, Aurangabad Bihar.
7. The District Land Acquisition Officer, Aurangabad, Bihar.
8. The Arbitrator cum Additional Collector, Aurangabad, Bihar.
9. The Competent Authority cum L.R.D.C., Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. Subhash Chandra Yadav – GP15
For the NHAI	:	Mr. Saket Tiwary, Adv.
	:	Mr. Animesh Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-11-2024 Heard learned counsel for the petitioners, the State and the N.H.A.I.

2. In the instant petition, the petitioners have prayed for following relief(s):-

“(I) For issuance of writ in the nature of certiorari for quashing the order dated 20.5.2017 contained in Annexure-6 passed by Arbitrator Cum Additional Collector, Aurangabad in LA Case No.



85/14-15 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.

(II) For further direction to the competent authority cum L.R.D.C. Aurangabad to determine the present market value of the acquired land which is High Potential Value.

(III) For passing any other order (S), direction (S) or appropriate writ (S) in the facts and circumstances of the instant case.”

3. Learned counsel for the petitioners 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 petitioners have 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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