

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15281 of 2018

1. Ashok Kumar Singh
 2. Sunil Kumar Singh
 3. Sudhir Kumar Singh
- All are Sons of Awadh Singh, Resident of Village-Jankop, P.S.-Barun, Distt.-
Aurangabad.Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue and Land Reform, Department, Bihar, Patna.
2. The Director, Land Acquisition Bihar, Patna.
3. The Collector, Aurangabad, Bihar.
4. The District Land Acquisition Officer, Aurangabad, Bihar.
5. The Arbitrator Cum Additional Collector, Aurangabad, Bihar.
6. The Competent Authority Cum L.R.D.C., Aurangabad, Bihar.
7. The General Manager Cum Project Director, Project Compliance Unit National Highway Authority of India, Varanasi Zone (U.P.).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan -SC25
For the NHAI	:	Mr. Maurya Vijay Chandra, Adv.
	:	Ms. Preety Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 19-11-2024

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 dated for quashing
25.05.2017 the contained order in. Annexure-*



5 passed by Arbitrator Cum Additional Collector, Aurangabad in L.A. No.-91/14-15 whereby Case in and where under the learned arbitrator cum Additional Collector, Aurangabad has dismissed the application of the petitioners without considering the fact and material available on record.

(ii) For further direction to the competent authority cum LRDC, Aurangabad to determine the present market value of acquired land which is high potential value.

(iii) For passing any other order (s) directions 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.7583/2018 and the present matter is squarely covered by the said decision. Learned counsel further 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 the petitioners 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.A.H.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.7583/2018. Accordingly, the present writ petition is disposed of with liberty to the petitioners 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)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	20.11.2024
Transmission Date	N/A

