

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11982 of 2021

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Ram Keshwar Singh, son of Late Raj Pati Singh, resident of Vill-Gangauli,
P.O.-Gangauli, P.S.-Dalmiya Nagar, Dist-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
New Secretariat, Patna, Bihar.
2. The Arbitrator cum Divisional Commissioner, Patna.
3. The District Magistrate-cum-Collector, Rohtas.
4. The Competent Authorities cum District Land Acquisition Officer, Rohtas.
5. The Executive Director, Rail Mantralaya, Central Government, New Delhi.
6. The Project Officer, Special Rail Project, Eastern Dedicated Corridor,
Rohtas at Sasaram.
7. The Deputy Chief Project Manager Eastern Dedicated Freight Corridor
Corporation of India, District Rohtas.
8. The Circle Officer, Dihri, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Pandey
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
		Mr. Md. Khurshid Alam AAG-12
		Mr. AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-10-2024 1. Heard learned counsel for the petitioner and

learned AC to AAG-12 for the State.

2. The learned AC to AAG-12 for the State, at the

outset, submits that the writ application is not maintainable

as petitioner has alternative remedy envisages under Section

34 of the Arbitration and Conciliation Act, 1996. It is

submitted that petitioner being aggrieved by the award in



Rail Arbitration Case No.34 of 2020 had approached the Court of Arbitrator-cum-Divisional Commissioner, Patna for enhancing the Arbitral amount on the ground that the petitioner has been paid compensation of the land treating it to be agricultural, when the land acquired by the railway was being used for the purposes of homestead, but then, the Court of Arbitrator- cum- Divisional Commissioner, Patna also rejected the application of the petitioner by his order dated 20.10.2020, which is impugned in the present writ application. The learned AC to AAG-12 for the State submits that if the petitioner is aggrieved by the Arbitral award and its subsequent rejection by the authority competent, in that event, the petitioner can move before the learned District Judge of competent jurisdiction under Section 34 of the Arbitration and Conciliation Act.

3. The the learned counsel appearing on behalf of the petitioner, at this stage, seeks permission to withdraw the instant writ application with liberty to move before the competent forum for getting the dispute adjudicated as raised in the instant writ application.

4. Permission is accorded.



5. Accordingly, the instant writ application is dismissed as withdrawn with the liberty aforesaid.

6. It is made clear that, if any, application is filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 on or before 25.11.2024, in that event, the authority before whom the said application will be filed while deciding the issue of limitation will consider the fact that the writ application on the issue was pending adjudication before this Court for more than three years.

(Satyavrat Verma, J)

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