

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10951 of 2024

Nirmal Chandra Khan, S/o Balbhadra Khan, Majua-Bangaon Village and P.O. Parari, P.S. Bangaon, Anchal Kahara, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Director Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Magistrate cum Collector Saharsa.
6. The Additional Collector Saharsa.
7. The Land Acquisition Officer, Saharsa.
8. The District Sub Registrar Saharsa.
9. The Union of India through the Secretary Department of Road Transport and Highways, New Delhi.
10. The Project Director, National Highway Authority of India (Project Implementing Unit), Begusarai near Barauni Dairy Shokhara, Barauni Dairy Road Barauni, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Adv.
For the Respondent/s	:	Mr. Sanjay Kumar, AC to AAG-4
For the NHAI	:	Ms. Soni Srivastava, Adv.
For the UoI	:	Mr. Satyendra Kumar Jha, CGC

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2024

Heard the parties.

2. The petitioner is aggrieved by the award of the Divisional Commissioner cum Arbitrator, Koshi Division Saharsa, dated 11.12.2023 in Arbitration Case No. 138 of 2021, whereby the claim of the petitioner to ensure payment of compensation of his land by treating it as an agricultural land, has been rejected.



3. At the outset, learned counsel for the NHAI made preliminary objection with regard to the maintainability of the writ petition. Against the award passed by the Arbitrator, the petitioner has remedy available under Section 34 of the Arbitration and Conciliation Act, 1996 is the contention of the learned counsel for the NHAI.

4. This Court finds substance in the objection of the learned counsel for the NHAI.

5. The writ petition stands disposed of with a liberty to the petitioner to avail the statutory remedy under the law.

6. Suffice it to say that if the petitioner files miscellaneous case against the impugned award, the learned Principal Judge shall consider the prayer of the petitioner for condonation of delay in the light of Section 14 of the Limitation Act.

(Harish Kumar, J)

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