

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10748 of 2023

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1. Bihari Singh son of Late Ghughli Singh, Resident of Village-Maidaini Kotha Toli, Police Station-Sasaram Town, District-Rohtas at Sasaram.
 2. Krishna Kumar, son of Late Ramayan Mahto, Resident of Village-Maidaini Kotha Toli, Police Station-Sasaram Town, District-Rohtas at Sasaram.
 3. Pappu Mahto, son of Late Shankar Mahto, Resident of Village-Maidaini Kotha Toli, Police Station-Sasaram Town, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The Union of India through Dedicated Freight Corridor Corporation of India Ltd. (Government of India Enterprises), Railway Ministry, New Delhi.
2. The Deputy Project Manager, Dedicated Freight Corridor Corporation of India Ltd. Mugalsarai.
3. The Arbitrator Dedicated Freight Corridor Corporation of India Ltd. cum Commissioner, Patna Division, Patna.
4. The State of Bihar through the Collector, Rohtas at Sasaram.
5. The Competent Authority D.F.C.C.I.L. cum District Land Acquisition Officer, Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Adv.
For the Resp. Nos. 1 & 2	:	Mr. Tiwari Shwetketu, Adv.
For the State	:	Mr. Manoj Kumar Sinha, (AC to SC\19)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2024 Heard the parties.

2. The present writ application has been filed for the following relief(s):-

(i). For issuance of an appropriate writ(s), order(s) direction (s) for quashing the order dated 28/02/2023 passed in Rail Arbitration Case No. 122/2021 by which the Respondent No. 3 has rejected the claim of the petitioners to enhance the

compensation since the acquired lands of the petitioners are residential in nature and further direct the respondents to make the payments of difference of compensation with the interest @ 10% per annum.

3. After some argument, learned counsel for the petitioners submits that the petitioners will be approaching the Competent Civil Court for the redressal of their grievance under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act of 1996'). He further submits that the same has to be expedited.

4. Learned counsel appearing on behalf of the D.F.C.C.I.L. submits that a period itself has been incorporated under Clause 6 of Section 34 of the Act of 1996 and the same is incorporated hereinbelow:-

34. Application for setting aside arbitral award.-(6). An application under this section shall be disposed of expeditiously, and in any event, within a period of one year from the date on which the notice referred to in sub-section (5) is served upon the other party.

5. In that view of the matter, if the petitioners prefer a proper petition before the Competent Court under the aforesaid Act, the Court concerned shall take into account the period that

has been inscribed in the Act itself and take the matter to its logical conclusion after hearing all the parties and perusal of the record.

6. Accordingly, the present writ application stands disposed of.

(Rajiv Roy, J)

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