

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13619 of 2024

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1. Jeevan Kumar, Son of Late Sulekha Kumar Verma, Wife of Sri Rajendra Prasad Singh, Resident of Village- Ranginiyan, Police Station- Bakhtiarpur, District- Saharsa.
 2. Rajesh Kumar, Son of Late Sulekha Kumar Verma, Wife of Sri Rajendra Prasad Singh, R/o Village- Ashopur, Police Station- Danapur, Patna, District- Patna.

... .. Petitioner/s

Versus

1. National Highway Authority of India through its Chairman, G5 and 6 Sector 10 Dwarika, New Delhi.
2. The Project Director, National Highway Authority of India (P.I.U.) Begusarai.
3. The State of Bihar, through Additional Chief Secretary, Department of Revenue and Land Reforms Department, Government of Bihar.
4. The Commissioner, Koshi Division, Saharsa.
5. The Collector, Saharsa.
6. The District Land Acquisition Officer, Collectorate, Saharsa.
7. The Circle Officer, Simri Bakhtiarpur, Saharsa.
8. The Executive Officer, Nagar Panchayat, Simiri, Bakhtiarpur., Saharsa
9. The Sub-Registrar, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Paritosh Parimal, Advocate
For the Respondent/s	:	Mr. Mukul Prasad, AC to GP-18
For the NHAI	:	Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-09-2024 Heard Mr. Paritosh Parimal, learned Advocate for the

petitioner, Mr. Sanat Kumar Mishra, learned Advocate for the

NHAI and Mr. Mukul Prasad, learned Advocate for the State.

2. The petitioner is aggrieved by the order dated
11.09.2023 passed by the commissioner in Arbitration Case No.
69 of 2020 by which the objection of the petitioner regarding
improper fixation of payment of compensation describing the
acquired land in question, belonging to the petitioner as



agriculture land for construction of National Highway No. 107, has been rejected.

3. The petitioner on being aggrieved by the afore-noted award passed by the learned Arbitrator, approached this Court by invoking its jurisdiction under Article 226 of the Constitution of India.

4. However, after some argument he fairly contended that against the award passed by the Arbitrator the appropriate remedy is available to the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 and, as such, he seeks permission to withdraw the writ petition with a liberty to approach before the Principle Civil Court to avail the remedy. It is also contended that the period spent in pursuing the proceeding *bonafide* in Court may be excluded while considering the petition for condonation of delay in view of Section 14 of the Limitation Act, 1963.

5. In view of the fair submission, the writ petition stands disposed off with a liberty to the petitioner to avail the remedy.

(Harish Kumar, J)

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