

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14026 of 2023

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1. Harendra Rai S/o Late Chandeshwar Rai, Resident of Village P.O. and P.S.-Chirout, District-Sitamarhi.
 2. Most. Asha Devi, W/o Late Shiv Sah, Resident of Village P.O. and P.S.-Chirout, District-Sitamarhi.
 3. Ravindra Rai, Son of Late Chandeshwar Rai, Resident of Village P.O. and P.S.-Chirout, District-Sitamarhi.
 4. Haris Chandra Rai, Son of Late Ram Ratan Rai, Resident of Village P.O. and P.S.-Chirout, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department cum Director Land Acquisition, Bihar, Patna.
2. The Project Director, National Highway Authority of India, Ministry of Road Transport and Highway Project Implementation Unit, Muzaffarpur/Darbhanga.
3. The Divisional Commissioner, Tirhut Division Muzaffarpur.
4. The Collector, Sitamarhi.
5. The Additional Collector, Sitamarhi.
6. The District Land Acquisition Officer, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Sinha, Advocate Mr. Sumit Kumar , Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha (Sc19) Mr. Saurabh Kumar , AC to SC 19
For NHAI	:	Mr. S. N Pathak, Advocate Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the issuance of directions to respondent authorities to make payment of compensation of the acquired land of the



petitioners as per the market value appertaining to Khata No. 1805, RSP Plot No.15526, 15528, 1150 & 1040 having an area of 11 decimals, 58 decimals, 54 decimals, 64 decimals, 10 decimals entire respectively Land bearing RSP No. 15485 under R.S. Khata no. 2034 having an area of 68 decimal and land bearing RSP No. 16078, 16117,16122 & 16531 all under R.S. Khata No. 790 having an area of 13 decimal, 09 decimal, 55 decimal, and 236 dismal entire respectively situated at village Chirout, Thana no. 65, Ancal and P.S. Chirout, District Sitamarhi Bihar for the construction and widening of the national Highway no. 526C (Majhouli-Chirout) in the district of Sitamarhi has also quash the order of Divisional Commissioner, Muzaffarpur passed on 25.04.2023 in arbitration appeal no. 45 of 2019 without considering the case of the petitioners.

3 . At the outset, learned counsel for the State appears and raises preliminary objection to the effect that petitioners have got an alternative statutory remedy under Section 34 of the Arbitration and Conciliation



Act, 1996 which reads as:

Section 34 - Application for setting aside arbitral awards.

(1) Recourse to a Court against an arbitral award may be made only by an application for setting aside such award in accordance with sub-section (2) and sub-section (3).

4. Learned counsel for the petitioners does not dispute the above proposition.

5. In the above view of the matter, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction. It is settled law that any award by an arbitrator can be challenged under section 34 of Arbitration and conciliation Act 1996 and not in writ jurisdiction . Petitioners have statutory alternative remedy available which they can avail in accordance with law.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioners were pursuing the issue before this



Court under Article 226 of the Constitution of India .

7. This writ petition is accordingly disposed of
with the aforesaid observations.

(Prabhat Kumar Singh, J)

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