

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13914 of 2023

1. Siya Saran Rai S/o Late Ramashish Rai Resident of Village Chairout, P.O. and P.S. Chairout, Distirct Sitamarhi
2. Sunil Rai Son of Late Chotan Rai Resident of Village Chairout, P.O. and P.S. Chairout, Distirct Sitamarhi
3. Ram Jatan Rai S/o Late Surat Rai Resident of Village Chairout, P.O. and P.S. Chairout, Distirct 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. Raj Kishore Roy (GP-18)
For the NHAI	:	Mr. S.N. Pathak, Advocate Mr. Saurav Nikunj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

- 4 28-03-2024 Heard learned counsel for the petitioner and the State.
2. The present writ petition has been preferred for the following relief:

*“That this writ application is being
filed for issuance of appropriate
order/orders, direction/directions including
writ preferably in the nature of MANDAMUS
commanding and directing the respondents
to make payment of compensation of the*



acquired land of the petitioner as per the market value appertaining to Khata No. 2210 & 799 respectively Khesra no. 15491,1080 & 15426, respectively having an area of 0.6, 49 & 40 decimals respectively situate at Village Chirout, Thana No. 65, Anchal and P.S. Chirout, District. Sitamarhi (Bihar) for the construction and widening of the National Highway no. 526 C (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. 44 of 2019 without considering the case of the petitioner.”

3. A counter-affidavit on behalf of the State has been filed and paragraph-8 read as follows:

“8. That it is pertinent to mention here that under section 34 of Arbitration and Conciliation Act, 1996 an appeal for setting aside the arbitral award passed in arbitration other than international commercial arbitration can be made before



the Principal Civil Court of Original Jurisdiction in a District. However, instead of using all the other efficacious remedies, the petitioner has directly moved before this Hon'ble Patna High Court."

4. Learned counsel for the petitioner submits that in the aforesaid background, he will be filing an appropriate petition before the concerned Civil Court but as he was pursuing his remedy before the Patna High Court, the limitation part has to be taken into consideration.

5. The writ petition stands disposed of with the observation that if the petitioner files his petition before the competent Civil Court within four weeks from today, the Court concerned shall take into account the fact that the petitioner was pursuing his remedy in a writ Court and the matter was pending here.

6. The writ petition stands disposed of with aforesaid order.

(Rajiv Roy, J)

Adnan/-

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