

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.966 of 2024

Chandradev Narayan Singh @ Chandradev Narayan Son of Late Hriday Narayan Singh Resident of Village-Dakhingaon, P.S.-Wajirganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Gaya.
2. The Competent Authority-Cum-District Land Acquisition Officer, Gaya having Office at Gaya Collectorate Building, Gaya.
3. The DeputyGeneral Manager (Tech.), Project Implementation Unit, N.H.82, B.S.R.D.C.L., office at Saroj Complex, 2nd floor Bodh Gaya By Pass Road, Kendui, P.S.-Magadh Medical College, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate Mr. Vijay Kumar, Advocate
For the State	:	Mr. B.B. Raj, AC to SC-13
For Respondent No. 3	:	Mr. Manish Dhari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-09-2024 The matter has been taken up on mentioning being made on behalf of the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is aggrieved by order dated 21.12.2023 passed by learned District Judge, Gaya in Civil Miscellaneous (Arbitration) Case No. 138 of 2023, whereby and whereunder the learned District Judge admitted the said misc. case though the same was barred by law of limitation. Learned counsel further submits that the arbitration award dated 16.07.2022 was transmitted to respondent no. 3 vide letter No. 3164 dated



03.08.2022. However, the Civil Misc. (Arbitration) Case No. 138 of 2023 has been filed on 31.10.2023 and it is hopelessly barred by limitation. Learned counsel further submits that in the similar circumstance, the case of ***Chandeshwar Kumar Vs. The State of Bihar through the Collector, Gaya and others*** passed in ***Civil Miscellaneous Jurisdiction No. 123 of 2024 vide order dated 01.08.2024***, this Court set aside a similar order passed by learned District Judge, Gaya passed in Civil Misc. (Arbitration) Case No. 139 of 2023. The present petition is covered by the aforesaid decision of this Court.

3. Learned counsel appearing on behalf of the State and respondent no. 3 though submit that they would like to file counter affidavit but learned counsel appearing on behalf of respondent no. 3 concedes that since the case is covered by order dated 01.08.2024 passed in Civil Miscellaneous Jurisdiction No. 123 of 2024, he does not want to press for filing of counter affidavit.

4. Perused the records.

5. Since the present case is covered by the earlier decision of this Court in ***Chandeshwar Kumar (supra)***, no useful purpose will be served in continuing with the matter. Therefore, in the light of facts and circumstances and the



decision of this Court in the case of *Chandeshwar Kumar* (*supra*), the order dated 21.12.2023 passed in Civil Misc. (Arbitration) Case No. 138 of 2023 by learned District Judge, Gaya is set aside.

6. Accordingly, the present petition stands allowed at the stage of admission itself.

(Arun Kumar Jha, J)

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