

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15637 of 2024

1. Shivendra Kumar, Son of Late Harihar Prasad, resident of Village- Bhagan Bigha, P.S.- Rahui (Bhaganbigha), District- Nalanda.
2. Uma Sinha, Wife of Bhupendra Prasad, resident of Village- Pachetana, P.S.- Ashthawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The National Highway Authority of India through the Managing Director, G 5 and 6, Sector 10, Dwarka, New Delhi- 110075.
2. The Project Director, National Highway of India, N.H. 31, (Rajauli Bakhtiyarpur Four Lane) Nalanda.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. The Principal Secretary, Department of Road and Transport, Govt. of Bihar, Patna.
6. Th N.H. Arbitrator-cum-Commissioner, Patna Division, Patna.
7. The District Magistrate-cum-Collector, Nalanda.
8. The District Land Acquisition Officer, Nalanda.
9. The Additional Collector, Land Reforms, Biharsharif, Nalanda.
10. The Deputy Collector, Land Reforms, Biharsharif, Nalanda.
11. The Sub Divisional Officer, Biharsharif, Nalanda.
12. The Circle Officer, Rahui, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate Mr. Anand Shankar, Advocate
For the Respondent/s	:	Mr. Government Pleader (19)
For the NHAI	:	Mr. Rajesh Kumar Shandilya, Advocate Mr. Akshay Ashish, Advocate Mr. Utkarsh Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-10-2024 Heard the parties.

2. The petitioner is aggrieved by the orders/award
dated 22.02.2024 passed by the learned Arbitrator-cum-



Commissioner, Patna Division, Patna in Case no. 82 of 2022 by which the application preferred by the petitioners have been rejected.

3. The petitioners also sought quashing of the letter no. 1879 and letter no. 1880 dated 23.08.2022 passed by the District Land Acquisition Officer, Nalanda by which it has been directed to prefer Arbitration case before the Commissioner, Patna Division, Patna if the petitioners are aggrieved by the determination of the nature of the land and the rate thereof.

4. At the outset, learned Advocate for the State made preliminary objection with regard to maintainability of the writ petition that in any view of the matter once award has been passed by learned Arbitrator-cum-Divisional Commissioner, Patna Division under Section 3G(5) of the National Highways Act, 1956, the petitioners have only remedy available under Section 34 of the Arbitration and Conciliation Act, 1996.

5. This Court finds substance in the objection raised by the learned Advocate for the respondents and, as such, the writ petition stands disposed off with a liberty to the petitioners to avail the remedy as provided under Section 34 of the Arbitration and Conciliation Act, 1996.

6. With the aforesaid liberty, the writ petition stands



disposed off.

(Harish Kumar, J)

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