

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 840 of 2024

1. Sidhnath Tiwari S/o late Nathuni Tiwari Resident of village Kumhau, Post-Moresarai, P.S- Shivsagar, Dist-Rohtas.
2. Lal Bhushan Tiwari S/o Late Nathuni Tiwari Resident of village Kumhau, Post-Moresarai, P.S- Shivsagar, Dist-Rohtas.
3. Fula Kuer W/o late Narmadehswar Tiwari Resident of village Kumhau, Post-Moresarai, P.S- Shivsagar, Dist-Rohtas.
4. Lakhrajo Kuer W/o late Muni Tiwari Resident of village Kumhau, Post-Moresarai, P.S- Shivsagar, Dist-Rohtas.
5. Devmatikuer W/o late Baban Tiwari Resident of village Kumhau, Post-Moresarai, P.S- Shivsagar, Dist-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Land Revenue Department Govt. of Bihar, Patna, Bihar.
3. The District Magistrate, Rohtas.
4. The District Land Acquisition Officer, Rohtas.
5. The Divisional Commissioner, Patna Division, Patna.
6. Anand Tiwari Son of Late Dadan Tiwari. Resident of Village- Kumhau, Post- Moresari, P.S- Shisagar, Dist.- Rohtas.
7. Ram Bihari Tiwari Son of Late Dadan Tiwari. Resident of Village- Kumhau, Post- Moresari, P.S- Shisagar, Dist.- Rohtas.
8. Lal Bihari Tiwari Son of Late Dadan Tiwari. Resident of Village- Kumhau, Post- Moresari, P.S- Shisagar, Dist.- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Bijay Shankar Choubey, Advocate
For the S t a t e	:	Mr K P Gupta, GP X
		Mr Satya Vrat, AC to GP X

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 25-04-2024

Heard the parties.

2 This writ petition has been filed for the following

relief (s):



“i For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of the writ of certiorari for quashing the order dated 11.06.2021 passed in NH Arbitration Case No 700 of 2018 passed by the Divisional Commissioner, Patna whereby and whereunder he has been pleased to reject the case of the petitioners confirming the order of award dated 15.07.2013 passed in Land Acquisition Case No 9 of 2011-12 passed by DLAO cum competent authority, District – Rohtas at Sasaram.

ii For issuance of writ of mandamus directing and commanding the respondents to pass a fresh award/to modify the award passed in Land Acquisition Case No 9 of 2011-12 whereby and whereunder the DLAO, Rohtas has fixed compensation amount to such person who has sold out his land to another and now has no right, title and possession on the land acquired under award and to pay compensation amount accordingly.

iii And for the other necessary relief/reliefs to the basis of the facts and circumstances of the case as enumerated and stated hereinafter.”

3 The Arbitrator -cum- Divisional Commissioner, Patna has passed an order in NH Arbitration Case No 700 of 2018 on 11.06.2021.

4 Though the writ petition has been preferred, learned counsel for the petitioners fairly submits that the petitioners still have a remedy under Section 34 of the Arbitration and Conciliation Act, 1996 against the order passed by the Arbitrator. He, as such, submits that the petitioners will be



approaching the concerned competent Civil Court within a period of four weeks from today.

5 In case the petitioners approaches the concerned Civil Court within a period of four weeks from today, the Court concerned shall consider the limitation petition sympathetically taking into account the fact that the petitioners who may not be having any knowledge about approaching an appropriate authority had moved the Patna High Court under Article 226 of the Constitution of India.

6 This writ petition stands disposed of.

(Rajiv Roy, J)

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