

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1339 of 2024

=====

Gajendra Pandey Son of Sri Hariram Pandey, Resident of Village- Laxmipur,
P.O.- Laxmipur, P.S.- Pirpanti, District- Bhagalpur, Bihar- 813222.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Road Transport and Highways,
Transport Bhawan, 1, Parliament Street, New Delhi-110001.
2. The Secretary, Road Transport and Highways, Government of India.
3. The National Highway Authority of India, through its Chairman, G-5 and G-
6, Sector-10, Dwarka, New Delhi- 110075.
4. The Chairman, National Highway Authority of India, G-5 and G-6, Sector-
10, Dwarka, New Delhi- 110075.
5. The General Manager, The National Highway Authority of India, Regional
Office, Bihar, S.K. Puri, Patna- 800001.
6. The State of Bihar, through the Secretary, Revenue and Land Reforms
Department, Government of Bihar, Patna.
7. The Commissioner-cum-Learned Arbitrator, Bhagalpur Division, Bhagalpur.
8. The District Magistrate, Bhagalpur.
9. The District Land Acquisition Officer, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate
For the State	:	Mr. Kunal Tiwary, A.C. to G.A.-2
For the N.H.A.I.	:	Dr. Maurya Vijay Chandra, Advocate
For the U.O.I.	:	Mr. Additional Solicitor General Dr. Anjani Pd. Singh, C.G.C.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-05-2024 Heard Mr. Kumar Kaushik, learned Counsel for the

petitioner and Dr. Maurya Vijay Chandra, learned Counsel

appearing for the N.H.A.I.

2. The present petition has been preferred for the
following reliefs:-

(i) for issuance of an order, direction or



a writ of certiorari for quashing the order dated 02.08.2023 passed in Land Acquisition Appeal Case No.32/ 2023-24 communicated to the petitioners through Memo No.999 dated 08.08.2023 whereby and whereunder the application filed by the writ petitioners under Section 3- G (5) of the National Highways Act, 1956 for redetermination of the award has been rejected by the Respondent No.7 namely, the Commissioner, Bhagalpur Division-cum-Learned Arbitrator only on the ground of delay without deciding the claim of the petitioners on merit;

(ii) for issuance of an order, direction or a writ of mandamus for directing the respondent authorities to determine the award in accordance with Section 3-G (7) of the National Highways Act, 1956 read with Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the basis of market value specified in the Indian Stamp Act, 1899 for the registration of the sale deed in the area where the land is situated;



(iii) for issuance of an order, direction or an appropriate writ for restraining the respondent authorities from taking possession of the landed properties of the petitioners without redetermination and payment of award as prayed for in this writ application in accordance with law.

3. Learned Counsel for the petitioner submits that the award was prepared in Land Acquisition Case No. 78/2019-20 under section 23 and 30 of the 2013 Act and he was directed to receive Rs. 13,47,166.29/- Paisa.

4. Learned Counsel further submits that after the rejection of the claim put forward by the competent authority, vide an order dated 02.08.2023 which was communicated to him vide memo no. 999 dated 08.08.2023, he challenged the same before the Arbitrator in Land Acquisition Appeal Case No. 32 of 2023-24 (Gajendra Pandey vs District Magistrate, Bhagalpur & Ors.).

5. Learned Counsel submits that it came to be dismissed on 02.08.2023 (Annexure-P12 to the petition) and a perusal of the same would show that same has been rejected only on the ground of limitation. He submits that erroneously it was decided on the basis of limitation though there was no delay on



the part of the petitioner in approaching the concerned Court.

6. Learned Counsel for the petitioner submits as that the case has been rejected only on the ground of limitation, it has to be reheard and taken to its logical conclusion.

7. Both the learned State Counsel as also learned Counsel appearing on behalf of the N.H.A.I. jointly submitted that whether a reasoned order has been passed on merit and/or the same is on limitation, now the recourse with the petitioner is to approach the competent Court under section 34 of the Arbitration and Conciliation Act, 1996, (henceforth for short 'the Act, 1996'), this Court is also of the same view. They submit that an order has been passed by the Arbitrator cum Commissioner on 08.08.2023. It is another matter that the same has been rejected on the basis of limitation and now the Arbitrator cannot review its own order.

8. Learned Counsel for the petitioner submits that he will be approaching the concerned competent Court within a period of four weeks but again the limitation may come into picture.

9. If the petitioner approaches the concerned competent Court within a period of four weeks from today, the Court concerned shall take into account the fact that he was



pursuing his remedy before the Writ Court while considering the
limitation petition preferred by him.

10. The writ petition stands disposed of.

(Rajiv Roy, J)

Neha/-

U			
---	--	--	--

