

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11904 of 2016**

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Santosh Kumar Singh Son of Late Vikramaditya Singh Resident of Village - Barej, P.O. - Kauree Ram, P.S. - Mohaniya, District - Kaimur, Bhabua.

... .. Petitioner/s

Versus

1. The Union Of India.
2. The Deputy Secretary, Ministry of Road /transport and Highways, Govt. of India, New Delhi.
3. The National Highways Authority of India through its Chairman-cum-Secretary, Ministry of Shipping R
4. The Project Director, National Highway Authority, D.I.G. Colony, Maqbool Alam Road, Varanasi U.P..
5. The District Land Acquisition Officer-cum-Competent Authority, Kaimur at Bhabua.
6. The Additional Collector-cum-Arbitration, Kaimur at Bhabua.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                     |
|----------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s | : | None                                                                |
| For the Respondent/s | : | Mr. GA-3- Vinay Kriti Singh                                         |
| For the NHAI         | : | Mr. Rajesh Kumar Shandilya, Advocate<br>Ms. Ankita Kumari, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      22-07-2025                      No one appears on behalf of the petitioner though the State as also Ms. Ankita Kumari, learned counsel for the NHAI are present.

2. The present petition has been preferred for the following relief(s):

*“for setting aside the order dated  
21.3.15 passed in Misc. Case No. 290/2014-15 by  
A.D.M.-cum-Arbitrator, Kaimur at Bhabua  
whereby and where under the learned Arbitrator*



*has rejected the claim of the petitioner to calculate the value of acquired land in dispute at the rate of commercial in place of residential. And/or pass such any other order/orders which the court thinks the petitioner entitled for.”*

3. Learned counsel for the NHAI submits that the Arbitrator has negated the claim of the petitioner who wanted it to be decided on the basis of commercial rate and not on residential rate. Thereafter, the remedy lies under Section 34 of the Arbitration and Conciliation Act, 1996 before a competent Civil Court.

4. The submission is correct and the petitioner ought to have moved before the competent Civil Court.

5. However, since there is no appearance, the writ petition stands dismissed for non-prosecution.

**(Rajiv Roy, J)**

Adnan/-

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