

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4246 of 2019

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1. Sri Haribansh Mishra and Ors S/o Late Ramchandra Mishra Res. of vill- Sahbajpur, thana No. 394 P.O., P.S. and Distt.- Jehanabad.
 2. Sri Pramanand Mishra S/o Late Mathura Prasad Mishra Res. of Vill.- Sahbajpur, Thana No. 394 P.O., P.S. and Distt.- Jehanabad.
 3. Sri Badri Narayan S/o Late Rameshwar Ram Res. of Vill.- Sahbajpur, Thana No. 394 P.O., P.S. and Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Collector, Jehanabad
2. Project Director N.H.A I (Project Implementation Unit Gaya) Res. of House No. 70/224 Opposite, Judicial Quarter Chankyapuri Colony, Distt.- Gaya.
3. The Competent Authority Cum District Land Acquisition Officer (CALA) Jehanabad.
4. The Addl. Collector- Cum- Arbitrator Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Adv.
For the State	:	Mr. Md. Khurshid Alam, Sr. Adv., AAG-12
For the N.H.A.I.	:	Mr. Kumar, Goutam, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-02-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the State and Learned Counsel for the National Highway Authority of India (hereinafter referred to as NHAI)

2. Learned Counsel for the petitioners submits that the petitioners' land has been acquired under the National Highway Act, 1956 (Act No. 48 of 1956) [hereinafter referred to as N.H. Act, 1956]. Counsel further submits that the petitioners have challenged the nature of the land under Section 3G(5) of the N.H. Act, 1956, before the Arbitrator in Arbitration Case Nos. 07/14-15, 06/14-15, 05/14-15 & 230/15-16. The petitioners have



also moved before the Court of Addl. Collector- cum- Arbitrator, Jehanabad for the determination of the amount for payment of compensation in light of the award passed by the Arbitrator under Section 3G(5) of the N.H. Act, 1956 which is annexed as Annexure-4 to the present writ petition.

3. Learned Counsel for the NHAI submits that a counter-affidavit has been filed in this case. Counsel further submits that the National Highway Authorities have challenged the said arbitral award under Sections 34 & 36 of the Arbitration and Conciliation Act, 1996, in light of the legislative guidelines laid down under Section 3G(6) and (7) of the N.H. Act, 1956. In brief, he submits that the adjudication of the plaintiff has not acquired finality.

4. In the present facts and circumstances, the writ petition stands disposed off, granting liberty to the petitioners to move before the appropriate authority after the finality of the dispute under the Arbitration and Conciliation Act, 1996, as and when the cause of action arises.

(Dr. Anshuman, J.)

Aman Kumar/-

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