

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9581 of 2017

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Arun Kumar Tiwari S/o Late Ramashankar Tiwari, Resident of Village-Cheharia, P.s.-Durgawati, District-Kaimur

... .. Petitioner/s

Versus

1. The Chief Project Manager, Eastern Dedicated Foreight Corridor
2. The State of Bihar, through the Principal Secretary, Land Revenue Department, Govt. of Bihar, Patna
3. The Commissioner Cum Arbitrator, Patna Division, Patna.
4. The Collector, District-Kaimur.
5. The District Land Acquisition Officer, District-Kaimuar
6. The Circle Officer, Anchal Durgawati, P.s.-Durgawati, District-Kaimur.
7. Baliram Harijan, Son of Late Rupa Harizan, R/o Village-Bahera, P.S.-Durgawati, District-Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan-SC-25
		Mr. Ashok Kumar Keshav, Adv.
		Mr. Kmar Sunil, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

- 3 22-07-2025 1. On 08.05.2025, at the request of the Learned counsel for the petitioner, the matter was directed to be listed on 21.07.2025. However the matter was taken up today i.e. on 22.07.2025. In the first round, when the matter was called, the Learned counsel for the petitioner sought for an adjournment. However, this Court directed the Learned counsel for the petitioner to go through



the contents of the counter affidavit to enlighten this Court, whether alternative remedy is available or not? Again at 02:15 P.M. when the matter was called, there is no representation for the petitioner.

2. After going through the contents of the Writ petition as well as the prayer portion, this court found that the matter is arising out of an Arbitration Case No. 04/2014, which is under challenge. The contents of the Writ petition clearly disclose that the Writ petition is filed for seeking directions to pay the compensation amount to the petitioner treating the land in question as 'residential' along with statutory interest.

3. The Learned counsel for the respondents contended that against an order/ an Award in Arbitration cases, the alternative remedies are available for the petitioner to approach the Principal Civil Court under Section 34 of Arbitration and Conciliation Act, 1996. In the present case, the Writ petitioner directly approached this Court without availing the alternative remedy.



4. On perusal of the record, it is evident that the petitioner has effective alternative remedy before the Principal Civil Court u/s 34 of Arbitration and Conciliation Act, to challenge the award, therefore, the Writ petition is not maintainable.

5. As there is no representation for the petitioner, the Writ petition is dismissed for default and for non-prosecution.

(G. Anupama Chakravarthy, J)

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