

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11033 of 2025

Vijay Kumar Singh Son of Rameshvar Prasad Singh, Resident of village-Ageyan, Police Station- Goreakothi, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Revenue Department, Government of Bihar, Patna.
2. The Principal Secretary, Land Revenue Department, Government of Bihar, Patna.
3. The Commissioner, Saran at Chapra.
4. The District Collector, Siwan.
5. The Competent Authority-cum-Land Acquisition Officer, Siwan.
6. The National Highway Authority of India through its Chairman, New Delhi-75
7. The Chairman, National Highway Authority of India, New Delhi- 75.
8. The Regional Director, National Highway Authority of India, Bihar, Patna.
9. The Project Manager, Ram Janki Path, 227/227A, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harendra Kumar Singh, Adv.
For the Respondent/s : Mr. Sumant Kumar Singh, AC to GA.2

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2025 Heard Mr. Harendra Kumar Singh, learned counsel for the petitioner and Dr. Iti Suman for National Highway Authority of India beside Mr. Singh, learned AC to GA-2.

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

(i) For issuance of an order/orders direction or an appropriate writ including the writ of Mandamus commanding the Respondents to enhance and pay the compensation of Land Acquired from the



petitioner for NH227A by setting aside Annexure-P/1 and Annexure-P/10 dated 01.03.2025 and 23.05.2025 respectively.

(ii) For issuance of an order/direction or an appropriate writ holding a declaration that Respondents have already acquired 0.155 Acre land of petitioner on a low valuation for purpose of NH227A and to enhance the said amount of the land in question.

(iii) For issuance of an order/direction or an appropriate writ or a declaration holding that the erring authority should be held responsible for making a delay for enhance rate of payment to the petitioner with interest.

(iv) For any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of this case.

3. The matter relates to land acquisition that took place for the construction of NH-227A and the petitioner claims that his land has also been taken/acquired but the enhanced compensation has not been paid.

4. Earlier, the petitioner moved before this Court in CWJC No. 5849 of 2023 (Vijay Kumar Singh Vs. the State of Bihar & Ors.) which came to be disposed of on 15.09.2023 and the Court chose not to interfere in the matter directing him to avail the statutory remedy (Annexure-4 to the petition).



5. Pursuant thereto, the petitioner moved before the Arbitrator-cum-Divisional Commissioner, Saran Division, Chhapra in Arbitration Case No. 240 of 2024 (Vijay Kumar Singh Vs. State of Bihar & Ors.) which came to be disposed of on 23.05.2025 (Annexure-10 to the petition) and the concerned Court came to the conclusion that there has not been any irregularity in the decision taken by the District Land Acquisition Officer, Siwan. Accordingly, the claim was rejected.

6. Aggrieved, the present writ petition.

7. At the outset, Dr. Iti Suman, learned counsel for the NHAI submits that the petitioner has remedy before the Competent Court under **Section 34 of the Arbitration and Conciliation Act, 1996 (henceforth for short ‘the 1996 Act’)**.

8. **Section 34** of the ‘the 1996 Act’ read as follows:

(1) Recourse to a Court against an arbitral award may be made only by an application for setting aside such award in accordance with sub-section (2) and sub-section (3).

(2) An arbitral award may be set aside by the Court only if-

(a) the party making the application¹ [establishes on the basis of the record of the arbitral tribunal that]--

(i) a party was under some incapacity, or



(ii) the arbitration agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law for the time being in force; or

(iii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or

(iv) the arbitral award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration:

Provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the arbitral award which contains decisions on matters not submitted to arbitration may be set aside; or

(v) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Part from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Part; or

(b) the Court finds that-

(i) the subject-matter of the dispute is not capable of settlement by arbitration



under the law for the time being in force, or

(ii) the arbitral award is in conflict with the public policy of India.

¹*[Explanation 1.--For the avoidance of any doubt, it is clarified that an award is in conflict with the public policy of India, only if,-*

(i) the making of the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81; or

(ii) it is in contravention with the fundamental policy of Indian law; or

(iii) it is in conflict with the most basic notions of morality or justice.

Explanation 2.--For the avoidance of doubt, the test as to whether there is a contravention with the fundamental policy of Indian law shall not entail a review on the merits of the dispute.]

[(2A) An arbitral award arising out of arbitrations other than international commercial arbitrations, may also be set aside by the Court, if the Court finds that the award is vitiated by patent illegality appearing on the face of the award:

Provided that an award shall not be set aside merely on the ground of an erroneous application of the law or by reappreciation of evidence.]

(3) An application for setting aside may not be made after three months have



elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal:

Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.

(4) On receipt of an application under sub-section (1), the Court may, where it is appropriate and it is so requested by a party, adjourn the proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the opinion of arbitral tribunal will eliminate the grounds for setting aside the arbitral award.

³[(5) An application under this section shall be filed by a party only after issuing a prior notice to the other party and such application shall be accompanied by an affidavit by the applicant endorsing compliance with the said requirement.

(6) An application under this section shall be disposed of expeditiously, and in any event, within a period of one year from



the date on which the notice referred to in sub-section (5) is served upon the other party.]

9. In that background, learned counsel submits that the petitioner shall be approaching the Competent Court for the redressal of the grievance.

10. If the petition is preferred in next four weeks, the Court shall take into account that the petitioner was pursuing the remedy before the Patna High Court while dealing with the limitation petition.

11. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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