

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11136 of 2017

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Ranjeet Sharma Alias Saheb Sharma son of Late Suryadeo Singh R/o Village-
Nandanpura, P.O. Tehta, P.S. Makhdumpur, District Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Jehanabad, District Jehanabad.
3. The Competent Authority-cum- District Land Acquisition Officer,
Jehanabad.
4. Additional Collector-cum- Arbitrator, Jehanabad.
5. Circle Officer, Makhadumpur, District Jehanabad.
6. The National Highway Authority of India through Project Implementation
Unit, Gaya, House No. 70/224
7. Project Director, National Highway Authority of India, Gaya, House No.
70/224 Opposite of Judicial

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GA-14
For NHAI	:	Dr. Maurya Vijay, Adv.
		Mr. Gaurav Govinda, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-04-2025 Heard the parties.

2. The writ petition has been filed for:-

*“for issuance of a writ in the nature
of certiorari to quash the order dated
28.09.2016, passed by the Additional Collector-
cum-Arbitrator, Jehanabad (respondent no.4) in
Arbitration Case No. 51/2015-16, whereby the
claim of the petitioner for declaring the nature
of their land, measuring 06.9188 decimals,*



appertaining to Khata no.31, plot no.355 situated in village Nandanpura, Thana No. 316, as commercial land has been arbitrarily and illegally rejected and instead the same has been declared and categorized as progressive residential land and for issuance of a consequential writ in the nature of mandamus commanding and directing the respondents to declare the nature of the said land of the petitioner as commercial land instead of progressive residential land' and the petitioners further pray for issuance of an appropriate writ/order/direction to which the petitioner may be found legally entitled to in the facts and circumstances of the present case.”

3. Learned State counsel, Mr Dhurjati Kumar Prasad submits that now the petitioner has remedy before the competent Civil Court under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as ‘the Act’).

4. Section 34 of ‘the Act’ reads as follows:-

34. Application for setting aside arbitral awards.

(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 application [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.

5. Learned counsel for the petitioner submits that he shall be approaching the concerned Court for the redressal of his grievance.

6. Granting said liberty and if the petition is preferred within four weeks, the Court concerned shall take into account that the writ petition was pending while dealing with the delay in filing the said petition, the writ petition stands disposed of.

(Rajiv Roy, J)

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