

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14543 of 2025

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Nirmala Devi Wife of Chandeshwar Kunwar, Resident of village and P.O. -
Bahrauli, P.S.- Mashrakh, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Arbitrator-cum-Commissioner, Saran Division, Chapra.
3. The Collector -cum- District Magistrate, Saran at Chapra.
4. The Deputy Development Commissioner- cum- Chief Executive Officer, District Board, Saran at Chapra.
5. The Additional Collector cum-Administrator, Rehabilitation and Resettlement, Saran at Chapra.
6. The Competent Authority -cum- Land Acquisition Officer, Saran at Chapra.
7. The Deputy Collector, Land Reforms, Marhaura, Saran.
8. The Circle Officer, Mashrak, Saran.
9. The Project Officer, Ram- Janki Marg (Siwan- Mashrak Sector) NH-227A, National Highway, Authority, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Adv.
For the State	:	Mr. Standing Counsel 04
For the NHAI	:	Mr. Sriram Krishna, Adv.
		Mr. Shashank Sekhar Kunwar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-09-2025 The instant writ petition has been filed by the

petitioner under Article 226 of the Constitution of India seeking

the following reliefs:-

*“i. For issuance of an appropriate writ(s),
order(s), direction(s) for quashing the order dated 25.04.2025/
09.05.2025 (Annexure-P-6) passed by the Arbitrator -cum-
Commissioner, Saran Division, Chapra in Arbitration Case
No. 68/2024 (Nirmala Devi Vs. Chairman NHAI) whereby and
where under the said authority has rejected the aforementioned*



Arbitration Case without applying his judicial mind and in a hasty manner.

ii. For issuance of an appropriate writ(s), order(s), direction(s) to the respondents to pay suitable compensation to the petitioner for the land which is in commercial nature acquired by the respondents situated in village Bahrauli, P.S. & Anchal Mashrak, in the District of Siwan relating to Award No. 11 relates to the subject land of the petitioner pertaining under Khata No. 59 its Plots / Survey No. 1234 admeasuring in area of 0.0246468 hectare and Khata No. 26 its plot/Survey No. 1941 admeasuring in Area of 0.005952 hectare acquired by the respondents for construction of Ram Janki Path vide National Highway no. 227-A.

iii. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case”.

2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the NHAI (respondent no.9).

3. The main grievance of the petitioner is inadequate compensation for his land which has been acquired for construction of Ram Janki Path (NH 227A) by the National Highway Authority of India and according to the petitioner, the land in question was having commercial nature at the time of its acquisition but the compensation has been decided deeming his land to be agricultural.

4. The petitioner has challenged the arbitral award



against which he has specific efficacious remedy under section 34 of the Arbitration and Conciliation Act, 1996 and he has approached this court directly without availing the same, this court is not persuaded to invoke the writ jurisdiction of this court to redress the petitioner's grievance. Hence, this writ petition stands disposed of with giving a liberty to the petitioner to file an application under section 34 of the Arbitration and Conciliation Act, 1996 to redress his grievance and if he avails this liberty in the next four weeks then the concerned court/ authority shall exclude the period spent by the petitioner in this writ petition while computing the necessary limitation period and decide his case according to merit without being prejudiced by this order.

(Shailendra Singh, J)

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