

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16029 of 2025

Shyam Narayan Singh Son of Late Raj Bahadur Singh, Resident of Village/Mauza- Bheri, P.O. and P.S.- Chand, District Bhabua at Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Bhabua (Kaimur).
2. The District Land Acquisition Officer cum Competent Authority for Land Acquisition, under the National Highways Act, 1956 having its office at Bhabua (Kaimur).
3. The Project Director, National Highways Authority of India, Project Implementation Unit (P.I.U), Sasaram, At Village and Post- Moresarai (Near Satyam Service Centre), District- Rohtas (Sasaram) Bihar-821113.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Anant Pd. Singh, Advocate
For the NHAI	:	Mr. Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-11-2025 Heard the parties.

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

“A. The respondents be restrained from taking possession of the land appertaining to Plot No.110 Area 65.49 decimals, Plot No.134 Area 0.1565 hectares both under Khata No.01 (Hereinafter referred to as the land in question) situated within Mouza - Bheri, Thana No.35, Anchal - Chand, District- Kaimur (Bhabua) till the actual payment of compensation to the petitioner



*as per the award passed on 05.10.2024/24.05.2025
by the Arbitrator Cum Divisional Commissioner,
Patna in N.H. Arbitration Case No.35/2024 and
36/2024.*

*B. The respondents be further directed to
ensure the payment of full compensation as
prescribed under Sub-section 1 of Section 38 of the
Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement
Act, 2013 (Hereinafter referred to as the Act, 2013)
before taking possession of the land in question.*

*C. To pass such other order(s) or
direction(s) as may deem fit and proper to secure
the ends of justice.*

3. Learned counsel for the National Highways
Authority of India has taken this Court to Section 36 of the
Arbitration and Conciliation Act, 1996 (henceforth for short ‘the
Act’) which read as follows:

*36. Enforcement.—(1) Where the time for
making an application to set aside the arbitral
award under section 34 has expired, then, subject
to the provisions of sub-section (2), such award*



shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court.

(2) Where an application to set aside the arbitral award has been filed in the Court under section 34, the filing of such an application shall not by itself render that award unenforceable, unless the Court grants an order of stay of the operation of the said arbitral award in accordance with the provisions of sub-section (3), on a separate application made for that purpose.

(3) Upon filing of an application under sub-section (2) for stay of the operation of the arbitral award, the Court may, subject to such conditions as it may deem fit, grant stay of the operation of such award for reasons to be recorded in writing:

Provided that the Court shall, while considering the application for grant of stay in the case of an arbitral award for payment of money, have due regard to the provisions for grant of stay



of a money decree under the provisions of the Code of Civil Procedure, 1908 (5 of 1908).]

1[Provided further that where the Court is satisfied that a Prima facie case is made out that,— (a) the arbitration agreement or contract which is the basis of the award; or

(b) the making of the award,

was induced or effected by fraud or corruption, it shall stay the award unconditionally pending disposal of the challenge under section 34 to the award.

Explanation.—For the removal of doubts, it is hereby clarified that the above proviso shall apply to all court cases arising out of or in relation to arbitral proceedings, irrespective of whether the arbitral or court proceedings were commenced prior to or after the commencement of the Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016).]

4. Further, Section 2 (1) (e) of ‘the Act’ read as follows:

(e) “Court” means –



(i) in the case of an arbitration other than international commercial arbitration, the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, but does not include any Civil Court of a grade inferior to such principal Civil Court, or any Court of Small Causes;

(ii) in the case of international commercial arbitration, the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, and in other cases, a High Court having jurisdiction to hear appeals from decrees of Courts subordinate to that High Court.]

5. In that background, the writ petition stands disposed of allowing the petitioner to approach the concerned



Civil Court for execution of the order passed by the Arbitrator-cum-Commissioner, Patna Division, Patna in his as also in favour of his brother, Professor Prem Narayan Singh.

6. Needless to add, if such petition is filed in next four weeks, the concerned Court shall be taking note of it and further take the matter to its logical conclusion preferably within a year from the date the petition is preferred.

(Rajiv Roy, J)

Adnan/-

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