

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19083 of 2025

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1. Ranjit Kumar @ Ranjit Kumar Yadav @ Ranjit Yadav Son of Late Triveni Yadav, resident of Village-Bank, P.S. Jamalpur, District-Munger.
 2. Naresh Kumar Yadav @ Naresh Yadav, Son of Late Triveni Yadav, resident of Village-Bank, P.S. Jamalpur, District-Munger.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and Highways Department, New Delhi.
2. The Chairman National Highways Department, G-5 and 6, Sector-10, Dwarika, New Delhi.
3. The Secretary Directorate of Land Acquisition, Patna, Bihar.
4. The Land Reforms Development Commissioner, Munger.
5. The Divisional Commissioner, Munger.
6. The Collector, Munger, District-Munger.
7. The District Land Acquisition Officer, Munger.
8. The Circle Officer, Jamalpur, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manohar Prasad Singh, Adv. Mr. Samir Kumar Sinha, Adv.
For the NHAI	:	Mr. Rajesh Shandilya, Adv. Ms. Ankita Kumari, Adv.
For the State	:	Mr. Raghwanand, GA-11 Mr. Sanjay Kumar Tiwari, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-11-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioners seeking the following relief(s):

" (I) For issuance of an appropriate writ in the nature of CERTIORARY to quash the order dated 25.03.2025 (Annexure-P/7) passed by the Respondent No.4 in Land Acquisition Case No. 150/ 2022, filed



by the petitioners for proper compensation of their Valuable Land bearing Khata No. 165, Survey Plot No. 400, measuring an area 50.92 decimals, situated within Thana No. 191, Mauza, Banaudha, District-Munger, which has already been acquired by the Respondent authority concern, without making payment of compensation and fixed the rate of compensation amount of agricultural land instead of residential by making discrimination against the principle of natural justice in arbitrary manner.

(II) For issuance of an appropriate writ in the nature of MANDAMUS by directing the Respondent Authority concern to facilitate a Government Job to a family member of the petitioner's lively hood instead of their valuable land which were only source of income.

(III) Further, directing the respondent authority to make payment of compensation of their valuable residential land in question not as agriculture by making discrimination.

(IV) For issuance of writ(s), Order(s) and direction(s) for that the petitioners are entitled to get relief(s) in accordance with law."

2. Mr. Manohar Prasad Singh, learned counsel appearing for the petitioners, Mr. Rajesh Shandilya, learned counsel for the NHAI and Mr. Raghwanand, learned counsel appearing for the State-respondents are present and they are heard.

3. The main grievance raised by the petitioners' counsel is that the Divisional Commissioner, Munger, has not



decided the issue raised by the petitioners with regard to the nature of their land which was taken into account by the District Land Acquisition Officer, Munger, while determining the compensation and the Arbitrator believed the report submitted by a committee consisting of six members but the said report is a table report. Learned counsel for the petitioners submits that as per the provisions of Section 3G(7) of the National Highways Act, the Arbitrator, while determining the amount under Sub-Section (1) or Sub-section (5) of the Section 3G of the National Highways Act, shall take into consideration the market value of the land on the date of publication of the notification under Section 3A of the National Highways Act and in respect of the acquisition of the petitioners' land, the notification under Section 3G(3) of the National Highways Act was issued on 23.06.2016 and during that period of time, the petitioners' land was being used only for the residential purposes and to prove this fact, the sale deeds registered in the Registrar's Office in respect of the transfer of the title in the land situated near the petitioners' land are the most important pieces of evidence which were not looked into by the Arbitrator though the petitioners have two such sale deeds to substantiate their claim.

4. On the other hand, Mr. Raghwanand, learned



counsel appearing for the State-respondents submits that for challenging the Arbitrator's order dated 25.03.2025, the petitioners have an efficacious remedy under the provisions of Section 34 of the Arbitration and Conciliation Act, 1996. In support of this contention, learned counsel has placed reliance upon the judgment of Division Bench of this court passed in the case of *the Project Director, National Highway Authority, Araria at Purnea, Bihar and Anr. Vs. Md. Gufran Alam and Ors.* reported in 2013 SCC OnLine Pat 411: (2014) 1 PLJR 207 and the relevant portion of the said cited judgment upon which reliance has been placed is being reproduced as under:

*"As recorded hereinabove, the proceedings before the Arbitrator are governed by the Act of 1996. Section 34 of the Act of 1996 provides for a remedy against the arbitral award by an application for setting aside the arbitral award before the Court. The "Court" is defined under Clause (e) of sub-section (1) of Section 2 of the Act of 1996 to mean, **"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."** Hence, it is evident that the remedy against the arbitral award lies before the civil Court. Section 36 of the Act of 1996 provides for enforcement of the arbitral award under the Code of Civil Procedure, 1908 in the same manner as if it were a decree of the Court. Thus, the statutory remedy for enforcement of the arbitral award made under Section 3-G (5) of the Act of 1956 lies before the civil Court."*

5. After having heard both the sides, this court is



satisfied with the above submissions made by the learned counsel for the State-respondents as Section 34 of the Arbitration and Conciliation Act provides for an efficacious remedy to the petitioners for challenging the arbitral award passed by the Divisional Commissioner and in view of the availability of this efficacious alternative remedy, this court is not persuaded to invoke its writ jurisdiction at this stage. Accordingly, this writ application is disposed of with giving the petitioners a liberty to approach before the concerned Civil Court under the provisions of Section 34 of the Arbitration and Conciliation Act, if they file such application under the said act within four weeks from today then the time spent by the petitioners in this writ application shall be excluded by the court concerned while computing the necessary limitation period.

(Shailendra Singh, J)

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