

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1883 of 2025

Sanjay Kumar Mishra Son of Hargen Mishra, Resident of - 207, Baikunthpur,
P.O. and P.S. - Narayanpur, District - Mirzapur, Uttar Pradesh- 231305.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Patna Division.
2. The Arbitrator Cum Divisional Commissioner, Patna Division.
3. The Deputy Collector Land Reforms (D.C.L.R.)-Cum-Competent Authority for the Land Acquisition under the National Highways Act, 1956 having its office at Bhabua (Kaimur).
4. The Project Director, P.I.U. Sasaram National Highway.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. Sitaram Yadav (GP-16)
		Mr. Y. Narayan (AC to GP-16)
For the NHAI	:	Mr. Dr. Maurya Vijay Chandra, Advocate
		Ms. Preety Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-02-2025 Heard Learned Counsel for the petitioner, Learned
Counsel for the State and Learned Counsel for NHAI.

2. The present writ petition has been filed for the
following relief/s:-

“1. To direct the respondent Arbitrator to consider the Ground No.3 to the Miscellaneous Case No.48/2024 filed under Section 3G (5) of the National Highways Act, 1956 (Hereinafter referred to as "the Act, 1956" and re-determine the amount in terms of Section 3G (7) thereof read with Sections 26 to 28 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and



Resettlement Act, 2013 (Hereinafter referred to as the Act, 2013) taking into consideration the average increase of 10 per cent per year in the market value of the land.

II. The respondent Arbitrator be further directed to consider the Ground No.7 of the aforesaid Miscellaneous Case and re-determine the amount in terms of Section 29 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Hereinafter referred to as "the Act, 2013") as well as to award interest in terms of Section 3H (5) of the Act, 1956.

III. To pass such other order/orders as may deem fit and proper to secure the ends of justice."

3. Learned Counsel for the petitioner submits that the grounds which he has mentioned in his application has not been considered at all and it is due to this reason, he has moved before this Hon'ble Court for seeking a direction to The Arbitrator Cum Divisional Commissioner, Patna Division (Respondent no.2) to consider and pass order afresh.

4. Learned Counsel for the State and Learned Counsel



for NHAI raised preliminary objection and submits that statutory remedy is available to the petitioner challenging the order passed by the Arbitrator under section 3G (5) of the National Highways Act, 1956 (Act No.48 of 1956) before under Section 3G (6) & (7) of the N.H. Act, 1956 to avail his remedy under the Arbitration and Conciliation Act, 1996.

5. In response thereof, Counsel for the petitioner submits that it is true that under section 34(4) of the Arbitration and Conciliation Act, 1996, such remedy is available.

6. In this background, this writ petition is hereby disposed off directing the petitioner to avail his remedy before the authority mentioned under the Arbitration and Conciliation Act, 1996 whose indication has already been made in section 3G (6) & (7) of the N.H. Act, 1956 within 30 days from today.

7. It is made clear that in case of any limitation in filing the said petition before the concerned authority under Arbitration and Conciliation Act, 1996, the said limitation is hereby directed to be condoned.

(Dr. Anshuman, J)

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