

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2463 of 2025

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Jitendra Bahadur Singh Son of Late Jangbahadur Singh, Resident of SA 6/186-L-9, Holi City Hospital, Shree Nagar Colony, Pahariya, P.O. and P.S. - Sarnath, District- Varanasi (Uttar Pradesh)- 221007.

... .. 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

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate
For the Respondent/s : Mr. G.P.-11

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 20-02-2025 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:-

“I. To direct the respondent Arbitrator to consider the Ground No.3 to the Miscellaneous Case No.45/2024 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 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 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 for challenging the order passed by the Arbitrator under section 3G (5) of the



National Highways Act, 1956 (Act No.48 of 1956) under Section 3G (6) & (7) of the N.H. Act, 1956 to avail his remedy under the Arbitration and Conciliation Act, 1996.

5. In this background, this writ petition is disposed off with observation that the petitioner may avail the alternative remedy before the authority mentioned under the Arbitration and Conciliation Act, 1996 whose induction has already been made to adjudicate the points raised under section 3G (6) & (7) of the N.H. Act, 1956.

6. If the petitioner takes the recourse of alternative remedy within 30 days, the representation of the petitioner shall be decided on merit within a period of six months, from the date of its filing in accordance with law. Limitation if any shall not be considered as a hindrance.

(Nawneet Kumar Pandey, J)

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