

GAHC030007332025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/133/2025

Sh. N. Vanlalnghaka (L) S/b Lalrozuala and 17 Ors.
S/o Thangzaa (L)
R/o Sihhmui, Aizawl District S/b Lalrozuala

2: Sh. Rinliana

3: Sh. Lalrozuala

4: Smt. Lalrinchhungi

5: Smt. Vanlalhruaii

6: Sh. Zosangliana

7: Sh. J. Laltlanthanga

8: Sh. J. Lalchungnunga

9: Sh. Lalhmingliana

10: Smt. Siamthari

11: Smt. Lalthlamuani

12: Sh. Lalthlengliana

13: Smt. Enet Lalnunpuii

14: Smt. Lalengliani

15: Smt. Lalruatpuii

16: Sh. Vanneihzuala

17: Sh. Thingsaia

18: Sh. Vanthangpui

VERSUS

The Union of India r/b the Secretary, Ministry of Railway (Railway Board) and 4 Ors.
Got. of India, 256-A Rail Bhavan, Raisina Road,
New Delhi 110001

2:The Northeast Frontier Railway r/b Deputy Chief Engineer (Construction)

3:The General Manager (Construction)
Northeast Frontier Railway

4:The Deputy Commissioner-cum-Competent Authority for Land Acquisition

5:Dr. Lalzirmawia Chhangte
IAS (Rtd.) Arbitrator for Railway Projec

Advocate for the Petitioner : Mr Lalchhanliana Khiantge

Advocate for the Respondent : Ms Zairemsangpuii, CGC for R 1-3

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER**

Date : 25-02-2026

Heard Ms. Vanlalsawmi, learned counsel for the petitioners along with Mrs. Mary L. Khiangte, learned Government Advocate for respondent No. 4 and Ms. Zairemsangpuui, learned CGC for respondent Nos. 1 to 3.

2. This is an application filed under Article 226 of the Constitution of India for the issuance of the appropriate writ or direction to the respondents to appoint a substitute Arbitrator under Section 20-F(6) of the Railways Act, 1989 and Rule 3 of the Land Acquisition (Special Railway Projects) Rules, 2016 r/w Section 14 & 15 of the Arbitration and Conciliation Act, 1996, since the earlier Arbitrator/respondent No. 5 had withdrawn as an Arbitrator vide his letter dated 13.05.2025, and sought for appointment of a new Arbitrator in his place, since he had resigned himself as an Arbitrator in the instant matter.

3. Ms. Vanlalsawmi, learned counsel for the petitioners submits that the petitioners are the land owners of the landed property, wherein the respondents had taken place for execution, maintenance, management and operation of Special Railway Project, namely, Bairabi to Sairang New BG Railway Line Project in the Aizawl District. Accordingly, on the acquisition of the land belonging to the petitioners for the above said purpose, the respondents had passed the Draft Award No. 3/2019 under Section 20-F(6) of the Railways Act, 1989. Being dissatisfied with the awarded amount, the petitioners had approached this court, wherein vide common judgment and order in WP(C) No. 73/2021 and WP(C) No. 35/2021, this court had ordered the respondent Nos. 1 & 2 to appoint the Arbitrator. Accordingly, the respondent Nos. 1 & 2 had appointed the

respondent No. 5 as an Arbitrator vide letter dated 02.08.2022. Thereafter, the petitioners being aggrieved by the orders of the Arbitrator so appointed, had then approach the Addl. District & Sessions Judge-II, Aizawl District, who had remanded the matter back to the respondent No. 5 for proceedings afresh. Thereafter, the respondent No. 5/appointed Arbitrator withdrew himself from office by submitting the letter dated 13.05.2025, by requesting the respondent Nos. 1 & 2 to appoint a new Arbitrator in his place. However, the respondent Nos. 1 & 2 have failed to take necessary steps till date and hence the writ petition.

4. The learned counsel for the petitioners further submits that the instant case is a covered matter, wherein a Co-ordinate Bench of this Court in WP(C) No. 105/2025, WP(C) No. 106/2025 and WP(C) No. 107/2025 in a similar case had disposed of the said writ petitions, directing the respondent Nos. 1 & 2 for appointment of an Arbitrator in terms of Section 20-F(6) of the Railways Act, 1989. He prayed that a similar order may be passed in the instant case.

5. Mrs. Mary L. Khiangte, learned Government Advocate for respondent No. 4 and Ms. Zairemsangpuii, learned CGC for respondent Nos. 1 to 3 submit that they have no objection if a similar order is passed in the cited WP(C) No. 105/2025, WP(C) No. 106/2025 and WP(C) No. 107/2025.

6. Having heard the submissions made by the learned counsels for both the parties, it is seen that Section 20-F(6) of the Railways Act, 1989 provides that where the land is required under the 1989 Act and if the amount of compensation determined by the competent authority is not acceptable to either of the parties, the amount shall, on an application by either side of the parties, be determine by the Arbitrator to be appointed by the Central Government, in

such manner as may be described.

7. It is also seen that Rule 3 of the Land Acquisition (Special Railway Project) Rules, 2016 provides that the Central Government shall, by notification appoint an Officer of the rank of a Gazetted Officer of the State Government as Arbitrator for the purpose of Sub-section 6 of Section 20-F(6) of the Railways Act, 1989.

8. It is seen that since the petitioners are dissatisfied with the awarded amount in Award No. 3/2019 and that the Arbitrator so appointed i.e., respondent No. 5 to consider the case of the petitioners through arbitration proceedings, had resigned from its responsibility as an Arbitrator, this court thus finds it appropriate to dispose of the instant writ petition, by directing the respondents to appoint a fresh Arbitrator in terms of 20-F(6) of the Railways Act, 1989 and Rule 3 of the Land Acquisition (Special Railway Project) Rules, 2016. The petitioners shall also be given the liberty to file applications for appointment of Arbitrator in terms of the provisions of the Railways Act, 1989. The whole exercise for appointment of an Arbitrator in terms of 20-F(6) of the Railways Act, 1989 and Rule 3 of the Land Acquisition (Special Railway Project) Rules, 2016 r/w Section 14 & 15 of the Arbitration and Conciliation Act, 1996 should be completed within 3 (three) months from the date of receiving a certified true copy of this order and thereafter dispose of the arbitration case expeditiously.

9. WP(C) No. 133/2025 accordingly stands disposed of as above.

JUDGE

Comparing Assistant