



ARBITRATION AND CONCILIATION

Land Acquisition Arbitration and Writ Jurisdiction: Constitutional Limitations in the Wake of *Suryadev Pathak vs. Union of India*

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The recent decision in [Suryadev Pathak v. Union of India](#)¹ offers an important clarification on the limits of writ jurisdiction exercised by constitutional courts when effective statutory remedies are available under specialised legislation. The case arose out of a land acquisition dispute linked to the Bharatmala Scheme for national highway development.

The petitioner, Suryadev Pathak, a landowner from Gorakhpur, challenged the compensation awarded for the acquisition of his land parcels under the [National Highways Act, 1956](#)² for the widening of National Highway No. 29E. The acquisition was carried out by National Highways Authority of India as part of a larger infrastructure initiative, with the Union of India and the State of Uttar Pradesh arrayed as respondents.

Dissatisfied with the compensation determined by the authorities, the petitioner invoked the statutory arbitration mechanism under [Section 3G\(5\) of the Act](#), seeking enhancement. However, when the appointed arbitrator failed to render an award for over two years, the petitioner approached the High Court seeking a writ of mandamus for expeditious disposal. He argued that such delay violated his fundamental rights under [Articles 14 and 21](#), particularly the right to speedy justice, and also infringed his property rights under [Article 300-A](#) due to alleged non-compliance with the [Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013](#)³.

The respondents opposed the petition primarily on jurisdictional grounds, contending that the High Court lacked authority to intervene in arbitral proceedings governed by the [Arbitration and Conciliation Act, 1996](#)⁴. They argued that the Act provides a complete framework to address delays, including provisions for extension of time under Section 29A, which can only be exercised by competent civil courts and not through writ jurisdiction. They also attributed the delay partly to the petitioner's own conduct, citing repeated adjournments and procedural applications.

The High Court examined two central issues: whether writ jurisdiction could be invoked despite the availability of statutory remedies, and whether the court could direct continuation of arbitral proceedings after the expiry of statutory timelines. It observed that once the time limit prescribed under Section 29A lapses, the arbitrator's mandate automatically terminates by operation of law. Any further extension or continuation must be sought before a competent civil court, not through a writ petition.

The Court emphasized that Article 226 jurisdiction, though wide, is not absolute and must give way where a comprehensive statutory mechanism exists. Allowing writ intervention in such circumstances would disrupt the legislative framework and potentially encourage forum shopping. The judgment reaffirmed that the Arbitration and Conciliation Act provides adequate remedies to address procedural delays and grievances arising in arbitral proceedings.

Accordingly, the High Court dismissed the writ petition and laid down three key principles: first, arbitration proceedings under [Section 3G\(5\) of the National Highways Act](#) are governed by the Arbitration and Conciliation Act; second, writ jurisdiction cannot be invoked when an efficacious statutory remedy exists; and third, once the arbitrator's mandate expires, only a competent civil court has the authority to extend the timeline.

This ruling is significant in delineating the jurisdictional boundaries between constitutional courts and statutory forums, particularly in the context of land acquisition and infrastructure disputes. It reinforces the primacy of specialised legislative frameworks and underscores the need for litigants to exhaust statutory remedies before invoking extraordinary constitutional jurisdiction.

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1. Writ-C No. 28215 of 2025 ??

2. National Highways Act, 1956 ??

3. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ??

4. Arbitration and Conciliation Act, 1996 ??

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