



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12679 of 2025

Minati Soren and others ***Petitioners***

Mr. Gajendranath Rout, Advocate

-versus-

Union of India and others ***Opposite Parties***

Mr. P.K. Parhi, DSGI along with

Mr. Gopinath Sethi, Senior Panel Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE MURAHARI SRI RAMAN

ORDER

04.07.2025

Order No.

W.P.(C) No.12679 of 2025 & I.A. No.5996 of 2025

- 02.**
1. This matter is taken up through hybrid mode.
 2. The preliminary issue involved in this writ petition for consideration is with regard to its maintainability.
 3. The question that arises for consideration, as to whether a writ petition under Articles 226 & 227 of the Constitution of India is maintainable when the Petitioners have a remedy under Section 3-G(5) of the National Highways Act, 1956 for arbitration.
 4. Mr. Rout, learned counsel for the Petitioners relies upon the following decisions in support of his submission:-
 - (i) *National High Way Authority of India Vs. Resham Singh and others (LPA No.4965 of 2018 and batch, disposed of on 12.04.2023 by the Punjab and Haryana High Court).*



- (ii) *Union of India Vs. Tarsem Singh (Civil Appeal No.7064 of 2019, arising out of SLP No.9599 of 2019 and batch, disposed of on 19.11.2019)*
- (iii) *Union of India Vs. Tarsem Singh, reported in 2025 INSC 146.*
- (iv) *Gayatri Balasamy Vs. M/s. ISG Novasoft Technologies Limited, reported in 2025 INSC 605.*
- (v) *Project Director, NH Vs. M. Hakeem, reported in AIR 2021 SC 3471.*
- (vi) *ABL International Limited and another Vs. Expert Credit Guarantee Corporation, reported in AIR OnLine 2003 SC 700.*
- (vii) *Harbanslal Sahnia Vs. Indian Oil Corporation, reported in AIR 2003 SC 2120.*

5. In view of the ratio decided in the aforesaid Case Laws, the matter requires consideration.

6. Hence, Issue notice to the Opposite Parties.

7. Since Mr. P.K. Parhi, learned Deputy Solicitor General of India along with Mr. Gopinath Sethi, learned Senior Panel Counsel accepts notice on behalf of Opposite Party No.1, a copy of the writ petition as well as the I.A. shall be served on him to take instruction and file counter affidavit, if any.

8. Issue notice to Opposite Party Nos.2 to 7 by Registered Post/Speed Post with A.D., requisites for which shall be filed by 7th July, 2025. If the requisites are filed within the period stipulated above, notice shall be issued forthwith to Opposite Party Nos.2 to 7 fixing a short returnable date.



9. List this matter on 7th August, 2025 along with tracking report of the Postal Department.

(K.R. Mohapatra)
Judge

(M.S. Raman)
Judge

MRS/Laxmikant