

Court No. - 21

Case :- WRIT - C No. - 38956 of 2023

Petitioner :- Smt. Maganwati @ Gita Devi

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Vinayak Mithal

Counsel for Respondent :- A.S.G.I.,C.S.C.,Swetashwa Agarwal

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. Heard Sri Vinayak Mithal, learned counsel for the petitioner, Sri Jai Prakash Rai, learned counsel appearing for respondents no. 1 and 2 and learned Standing Counsel for the State-respondents.

2. The prayer made in the instant petition is for a direction to the respondents to decide the application of the petitioner dated 16.8.2022/1.11.2023 and refer the dispute relating to apportionment to the civil court in exercise of power under Section 3-H(4) of the National Highways Act, 1956.

3. The award is dated 17.10.2023. Under the scheme of the Act, after the award is made, if any dispute arises as to apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority is under mandate to refer the dispute to the principal civil court.

4. However, in the instant case, after award has been made, it seems that no dispute relating to apportionment has been raised by the petitioner before the competent authority till date.

5. Consequently, we dispose of the instant petition with liberty to the petitioner to file proper application in this behalf before the competent authority and in which event, he will dispose of the application after

hearing the petitioner and the rival claimants within next eight weeks.

6. The order has been passed in the presence of Sri Dinkar Lal, Advocate, holding brief of Sri Swateshwa Agarwal, learned counsel for respondent no. 2.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 8.11.2023

Jaideep/-