

Court No. - 21

Case :- WRIT - C No. - 40388 of 2023

Petitioner :- Anil Kumar Kaya

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Bhupendra Pal,Pankaj Kumar Ojha

Counsel for Respondent :- A.S.G.I.,C.S.C.,Sanjay Kumar Om

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Donadi Ramesh,J.

1. The instant petition has been filed for two reliefs. One for quashing of award dated 21.3.2023 passed by competent authority under the provisions of the National Highways Act, 1956 (hereinafter referred to as the Act) and second for a direction to the respondents to release compensation amount to the petitioner by treating the land to be industrial or residential.

2. The award dated 21.3.2023 passed by competent authority is subject to challenge before the arbitrator as per provisions of Section 3G (5) of the Act.

3. It is pointed out by learned counsel for the petitioner that he has already filed application before the arbitrator challenging the award. The application is dated 16.10.2023, but the arbitration proceedings have not been registered so far.

4. Having regard to the aforesaid submission, we direct the designated officer invested with the power to decide the claim to register the proceedings and conclude the same within six months. In respect of second prayer, it is open to the petitioner to withdraw the compensation amount already awarded without prejudice to his rights and contentions in the arbitration proceedings.

5. The petition stands disposed of accordingly.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, ACJ.)

Order Date :- 24.11.2023

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