



CGHC010276762021



2026:CGHC:27871

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4407 of 2021

1 - Badri Prasad S/o Shri Ganesh Aged About 43 Years R/o Village Kirna, Tahsil Patharia, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

2 - Virendra S/o Shri Ganesh Aged About 41 Years R/o Village Kirna, Tahsil Patharia, District Mungeli Chhattisgarh.

3 - Smt. Sushila W/o Shri Ganesh Aged About 64 Years R/o Village Kirna, Tahsil Patharia, District Mungeli Chhattisgarh.

... Petitioners

versus

1 - Government Of India Indian National Highway Authority Through Project Director, Project Implementation Unit , Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Competent Authority And Sub Divisional Officer (Revenue) Bilaspur Chhattisgarh.

3 - Additional Commissioner Bilaspur Division, Bilaspur Chhattisgarh.

4 - Additional Collector And Competent Authority (Arbitrator) National Highway No. 200/130 Bilaspur Chhattisgarh.

... Respondents

For Petitioners	:	Mr. Syed Afaq Hussain Rizvi, Advocate
For Respondent No. 1	:	Mr. Ali Asgar, Advocate
For Respondent no. 2 to 4	:	Mr. Karan Bahrani, Panel Lawyer

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S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

06.07.2026

1. petitioners have filed this writ petition seeking following relief(s):-

“10.1 That this Hon’ble court may kindly be pleased to issue a writ of certiorari quashing the impugned order dated 01/09/2020 passed by respondent no. 4 (Ann.P/7) in Rev.case No. 176/B-121/2013-14 Village Kirna, Tahsil Patharia, District Mungel holding it without jurisdiction and vitiated.

10.2 That this Hon’ble Court may kindly further be pleased to allow the petition and enhance the amended award dated 04/01/2013 passed by the respondent no. 2 in Land Acquisition Case No. 39A 82/2010-11 village Kirna, R.I & Tahsil Patharia Distt. Mungeli (Ann.P/1) so far as it relates to the petitioners as given to the adjacent owners of the petitioner’s land i.e. as per Rs. 1,65,60,000/- per hectare or Rs. 1152/- per square meter.

10.3 That this Hon’ble Court may kindly further be pleased to issue an appropriate writ/order/direction to hold that the conduct of the respondent no. 4 Additional Collector & Competent Authority (Arbitrator) suffers from malafide and was only done to give illegal favoritism to the respondent no. 1 & 2.

10.4 That, any other reliefs which this Hon’ble High Court deems fit and proper in the facts and circumstances of the case be also granted to the petitioners in the interest of justice.”

2. Grievance of petitioners is of not awarding appropriate amount of compensation in land acquisition proceedings initiated by the Sub-Divisional Officer-cum-Land Acquisition Officer in Land Acquisition Case No.39A-82/2010-11 dated 04.01.2013 and have sought

enhancement of the amount of award in para 10.2 of the relief clause. It is also argued that the Collector is not having jurisdiction to pass impugned order.

3. From perusal of the documents it appears that after passing of an award on 04.01.2013, petitioners herein has submitted an application U/s.3 (G) (5) of the National Highways Act, 1956 before the Arbitrator, which was considered and decided vide Annexure P-7 dated 01.09.2020.
4. Under Sub-section (6) of Section 3 G of the Act, 1956 it is provided that subject to provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1956 shall apply to every arbitration under this Act and in view of the specific provision, if petitioners are not satisfied with the award/order of the Arbitrator dated 01.09.2020, rejecting the application filed under Section 3G (5) of the Act, 1956 petitioners are having remedy to file appropriate proceedings U/s. 34 of the Act of 1956. In the said proceeding, they can also raise ground of jurisdiction of the authority as one of the ground.
5. In the aforementioned facts of the case the writ petition itself is not maintainable and accordingly, it is **dismissed** reserving liberty to petitioners to avail the other remedy available under the law.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
Judge