

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 805 of 2015

1. Kamalnarayan Gupta S/o Late Manrakhan Lal Gutpa Aged About 57 Years R/o Guptapara Aarang, Tahsil Aarang District Raipur Civil & Revenue District Raipur Chhattisgarh

---- Petitioner

Versus

1. Union Of India, Through The Secretary Ministry Of National Highway, A 7, V I P Estate, Shankar Nagar Raipur, Chhattisgarh
2. The Project Director, National Highway Authority A 7, VIP Estate, Shankar Nagar, Raipur Chhattisgarh
3. The Upper Collector & Arbitrator, National Highway Authority, Raipur, Chhattisgarh
4. The Competent Authority / Sub Divisional Officer (R) & Land Acquisition Officer, Raipur, Chhattisgarh.
5. State Of Chhattisgarh, Through Secretary, Department Of Revenue, Mantralaya (Mahanadi Bhawan), Naya Raipur, District Raipur, (Chhattisgarh)

---- Respondent

For Petitioner	Shri B.P. Sharma, Advocate
For Respondent/UOI	Shri Bhupendra Singh, Advocate
For Respondent/State	Shri Arun Sao, Dy. Adv. General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/07/2016

1. Indisputably the land belonging to the petitioner or the family members of the petitioner is subject matter of acquisition for

which notification has been issued by the Ministry of Road Transport and National Highway, Government of India on 5-9-2012 (Annexure – P/1).

2. In the said acquisition proceeding, the award has been passed in favour of other land holders on 28-12-2013, however, the acquisition proceeding in relation to the land in question has not been completed in view of pendency of civil dispute between the parties before this Court in First Appeal No.202 of 2006 (*Shivnarayan Gupta v. Vyasnarayan Gupta & Others*).
3. In the said First Appeal, an interim order has been passed by this Court on 17-1-2007 directing the respondents therein including the present petitioner, not to alienate the suit property till the next date of hearing.
4. It is argued by the learned counsel appearing for the petitioner that restraining the respondents in the First Appeal from alienating the suit property is wrongly construed by the authorities as an order of *status quo* restraining the Land Acquisition Officer from passing the award.
5. Per contra, learned counsel appearing for the Union of India/ respondent No.1 and the learned Dy. Adv. General appearing for the State would submit that although it is not a voluntary alienation, but the result of finalisation of land acquisition proceeding would have the effect of change in ownership for

which compensation will be determined and paid to the holder of the land including the petitioner, therefore, it may amount to alienation and may create complication or multiplicity of litigation.

6. Having heard learned counsel appearing for the parties and perusal of all the papers, ends of justice would be served if the writ petition is disposed of within a direction to the Land Acquisition Officer/competent authority to conclude the land acquisition proceedings and pass the award, however, the amount of compensation shall not be disbursed to any of the parties without leave of this Court in First Appeal No.202 of 2006 (*Shivnarayan Gupta v. Vyasnarayan Gupta & Others*).

7. Accordingly, the writ petition is disposed of with the aforesaid observations and directions.

8. There shall be no order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri