

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2321 of 2016

- Arun Kumar Rajak S/o Johanram Rajak, Aged 49 Years R/o Shivanand Nagar, Khamtarai, Tah Raipur District Raipur Chhattisgarh

---- Petitioner

Versus

1. Sub Divisional Officer Cum Land Acquisition Officer, Kharsiya, District Raigarh, Chhattisgarh
2. The Collector, Raigarh, District Raigarh Chhattisgarh
3. Sant Kumar Jaiswal S/o Salikram, Aged About 70 Years R/o Village Sarwani, Tah Kharsiya, District Raigarh Chhattisgarh
4. Pushpendra Kumar Jaiswal, S/o Sant Kumar Jaiswal, Aged About 37 Years R/o Village Sarwani, Tah Kharsiya, Distirct Raigarh Chhattisgarh

---- Respondents

For Petitioner	Shri Amit Sharma, Advocate
For Respondent-State	Shri Rajendra Tripathi, PL
For Respondent Nos.3 & 4	Shri M. K. Sinha, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/10/2016

1. The matter pertains to entitlement or apportionment of the award amount fixed by the competent authority i.e. SDO (Revenue)-cum-Land Acquisition Officer, Kharsiya, District Raigarh in the proceedings under the National Highways Act, 1956 (henceforth 'the Act, 1956').

2. The subject land has been acquired for widening/ four-laning/construction of national highways. There appears a dispute between the parties regarding title to the acquired land, which in turn has turned into a dispute regarding entitlement or apportionment of the amount of compensation.
3. Section 3H (4) of the Act, 1956 provides that if any dispute arises as to the 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 shall refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated. The petitioner has moved an application before the SDO (Revenue)-cum-Land Acquisition Officer, Kharsiya on 18.07.2016 vide Annexure-P-3, however, the application has not prayed for referring the matter for adjudication by the Principal Civil Court of original jurisdiction.
4. Let the petitioner move such application under Section 3H (4) of the Act, 1956 before the competent authority within 4 weeks from today. On preferring such application, the competent authority shall refer the matter for adjudication by the Principal Civil Court of original jurisdiction within a period of 4 weeks thereafter. The Principal Civil Court of original jurisdiction shall decide the matter in accordance with law, at the earliest.
5. Accordingly, the writ petition is disposed of.

Sd/-
JUDGE
PRASHANT KUMAR MISHRA

Nirala