

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 224 of 2017**

- Vinay Kumar Agrawal S/o Harishchandra Agrawal Aged About 23 Years R/o House No. 16/81, Dabhra Road Kharsiya, Ward No. 16, District Raigarh, Chhattisgarh

**---- Petitioner**

**Versus**

1. Union Of India Through The Secretary Road Transport And National Highway Department Mantralaya New Delhi
2. State Of Chhattisgarh, Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Civil & Revenue District Raipur, Chhattisgarh
3. Collector, Raigarh, District- Raigarh, Chhattisgarh
4. Sub- Divisional Officer (Revenue) Cum Land Acquisition Officer, Competent Authority National Highway Kharsiya, District Raigarh, Chhattisgarh
5. National Highways Authority Of India, Through Chief Engineer, Public Works Department, National Road Area Raipur, District Raipur, Chhattisgarh

**---- Respondents**

---

|                      |                                |
|----------------------|--------------------------------|
| For Petitioner       | Shri Jeet Patel, Advocate      |
| For Respondent No.1  | Shri Ramakant Pandey, Advocate |
| For Respondent-State | Shri R. K. Mishra, Dy. AG      |

---

**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**01/02/2017**

1. The petitioner is owner of the land which has been acquired for construction of National Highway No.49.

2. It is stated that when notice under Section 3C and 3D of the National Highways Act, 1956 (for short 'the Act, 1956') was issued, higher amount of compensation was proposed to be disbursed, however, the amount was subsequently reduced even after passing of the order determining compensation under Section 3G of the Act, 1956. It is argued that once proceeding under Section 3G is complete, the competent authority is not empowered to reduce the amount of compensation.
3. Section 3G of the Act, 1956 provides for determination of amount payable as compensation. The amount of compensation is to be determined by the competent authority after public notice in two local newspapers, one of which will be in vernacular language inviting claims from all persons interested in the land to be acquired. Once the amount of compensation is determined by the competent authority but is not acceptable to either of the parties, the amount shall, on an application by either of the parties be determined by Arbitrator to be appointed by the Central Government.
4. Although it is argued that the amount has been reduced after it was determined under Section 3G (1) & (2) of the Act, 1956, but since a dispute has arisen between the parties as to the actual amount of compensation for which the petitioner is entitled, the issue needs to be dealt with by the appropriate authority.
5. At this stage, learned Standing Counsel for the Central Government would place before this Court a notification issued by the Government of India, Ministry of Road Transport and Highways on 5<sup>th</sup> September, 2016 which provides that for

National Highway No.49 (Old National Highway No.200),  
Additional Commissioner, Bilaspur Division, has been appointed  
Arbitrator under Section 3G(5) of the Act, 1956.

6. In view of the above, since the Central Government has already  
appointed Arbitrator, the Writ Petition is disposed of with a  
direction that in the event the petitioner prefers a claim before the  
Arbitrator i.e. Additional Commissioner, Bilaspur Division within a  
period of one month from today, the said Arbitrator shall consider  
and decide the petitioner's claim/dispute at the earliest preferably  
within a period of 6 months from the date of presentation.

Sd/-  
**Judge**  
(Prashant Kumar Mishra)

Nirala