

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPC No. 2877 of 2017**

Gajanand Puri S/o Shambhu Puri, Aged about 55 years, R/o Village Mahadev Pali, Tahsil Dabhara, District Janjgir- Champa, Chhattisgarh.

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralay, Thana Naya Raipur, Tahsil and District Raipur, Chhattisgarh.
2. Sub- Divisional Officer Revenue- Cum- Land Acquisition Officer, Dabhara, District Janjgir- Champa, Thana, Tahsil and District Janjgir- Champa, Chhattisgarh.
3. The Chief Engineer, Public Works Department of National Highway of State of Chhattisgarh, National Highway Zone, Raipur, Thana and Tahsil Raipur, District Raipur, Chhattisgarh.

---- **Respondents****WPC No. 2908 of 2017**

Shiv Kumari W/o Dhaneshwarpuri, Aged about 55 years, R/o Village Mahadev Pali, Tahsil Dabhara, District Janjgir- Champa, Chhattisgarh.

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralay, Thana Naya Raipur, Tahsil and District Raipur, Chhattisgarh.
2. Sub Divisional Officer (Revenue)-Cum- Land Acquisition Officer, Dabhara, District of Janjgir- Champa, Thana Tahsil, District Janjgir- Champa, Chhattisgarh.
3. The Chief Engineer, Public Works Department of National Highway of State of Chhattisgarh, National Highway Zone, Raipur, Thana and Tahsil Raipur, District Raipur, Chhattisgarh.

---- **Respondents****WPC No. 2909 of 2017**

Sadanand Puri S/o Shambhu Puri, Aged about 55 years, R/o Village Mahadev Pali, Tahsil Dabhara, District Janjgir- Champa, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralay, Thana Naya Raipur, Tahsil and District Raipur, Chhattisgarh.
2. Sub Divisional Officer (Revenue)-Cum- Land Acquisition Officer, Dabhara, District Janjgir- Champa, Thana Tahsil and District Janjgir- Champa, Chhattisgarh.
3. The Chief Engineer, Public Works Department of National Highway of State of Chhattisgarh, National Highway Zone, Raipur, Thana and Tahsil Raipur, District Raipur, Chhattisgarh.

---- Respondents

WPC No. 2910 of 2017

Shambhu Puri S/o Late Prayag Puri Aged about 82 years, R/o Village Deh Mahadev-Pali, Tahsil Dabhara, District Janjgir- Champa, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralay, Thana Naya Raipur, Tahsil and District Raipur, Chhattisgarh.
2. Sub Divisional Officer (Revenue)-Cum- Land Acquisition Officer, Dabhara, District of Janjgir- Champa, Thana Tahsil and District Janjgir- Champa, Chhattisgarh.
3. The Chief Engineer, Public Works Department of National Highway of State of Chhattisgarh, National Highway Zone, Raipur, Thana and Tahsil Raipur, District Raipur, Chhattisgarh.

---- Respondents

WPC No. 2912 of 2017

Ganesh Puri S/o Mutu Puri Aged about 53 years, R/o Village Mahadev Pali, Tahsil Dabhara District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary Department of Revenue & Disaster Management, Mahanadi Bhawan Mantralay, Thana Naya Raipur Tahsil & District Raipur Chhattisgarh.

2. Sub - Divisional Officer (Revenue - Cum - Land Acquisition Officer) Dabhara District of Janjgir- Champa, Thana Tahsil & District Janjgir- Champa, Chhattisgarh.
3. The Chief Engineer, Public Works Department of National Highway of State of Chhattisgarh, National Highway Zone Raipur Thana & Tahsil Raipur District Raipur Chhattisgarh.

---- Respondents

WPC No. 2911 of 2017

Khageshwar Puri S/o Bhuneshwar Puri, Aged about 57 years, R/o Village Mahadev Pali, Tahsil Dabhara, District Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue & Disaster Management, Mahanadi Bhawan Mantralaya, Thana Naya Raipur, Tah. & Distt. Raipur, Chhattisgarh
2. Sub Divisional Officer (Revenue-Cum-Land Acquisition Officer), Dabhara District of Janjgir-Champa, Thana, Tahsil & District Janjgir-Champa, Chhattisgarh
3. The Chief Engineer, Public Works Department of National Highway of State of Chhattisgarh, National Highway Zone, Raipur, Thana & Tahsil Raipur, District Raipur, Chhattisgarh

---- Respondents

And

WPC No. 2913 of 2017

Purshottam Puri S/o Bhuneshwar Puri Aged about 60 years, R/o Village Mahadev Pali, Tahsil Dabhara, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary Department of Revenue & Disaster Management, Mahanadi Bhawan Mantralay, Thana Naya Raipur Tahsil & District Raipur Chhattisgarh.
2. Sub - Divisional Officer (Revenue - Cum - Land Acquisition Officer) Dabhara District of Janjgir- Champa, Thana Tahsil & District Janjgir- Champa, Chhattisgarh.
3. The Chief Engineer, Public Works Department of National Highway of State of Chhattisgarh, National Highway Zone Raipur Thana & Tahsil Raipur

District Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. N.K. Malviya, Advocate.
For Respondents/State	:	Mr. Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/10/17

1. Since the matters are being disposed of finally, the defaults are over ruled.
2. The petitioners are owner of the land which has been acquired for construction of National Highway No.153.
3. It is stated that when notice under Section 3-A 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.
4. 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.
5. 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 petitioners are entitled, the issue needs to be dealt with by the appropriate authority.

6. It is stated at the bar that by notification issued by the Government of India, Ministry of Road Transport and Highways on 5th September, 2016 which provides that for National Highway No.153 (Old National Highway No.216), Additional Commissioner, Bilaspur Division, has been appointed Arbitrator under Section 3G(5) of the Act, 1956.

7. In view of the above, since the Central Government has already appointed Arbitrator, the writ petitions are disposed of with a direction that in the event the petitioners prefer 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 petitioners' claim/dispute at the earliest preferably within a period of 6 months from the date of presentation.

Sd/-

(Sanjay K. Agrawal)
Judge