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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 703 of 2017**

1. Prakash Chandra Mishra S/o Lal Chandra Mishra, Aged About 52 Years R/o Village And Post Dharsiwa, Tahsil Dharsiwa, District Raipur (Chhattisgarh)
2. Smt. Seema Mishra, W/o Prakash Chandra Mishra, Aged About 50 Years R/o Village And Post Dharsiwa, Tahsil Dharsiwa, District Raipur (Chhattisgarh)
3. Preeti Mishra, D/o Prakash Chandra Mishra, Aged About 26 Years R/o Village And Post Dharsiwa, Tahsil Dharsiwa, District Raipur (Chhattisgarh)
4. Aditya Mishra, S/o Prakash Chandra Mishra, Aged About 28 Years R/o Village And Post Dharsiwa, Tahsil Dharsiwa, District Raipur (Chhattisgarh)

---- Petitioners

Versus

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

---- Respondents

And**WPC No. 725 Of 2017**

1. Meenakshi Rathore D/o Late Swami Prasad Rathore Aged About 46 Years R/o Village And Post Dharsiwa, Tahsil Dharsiwa, District-Raipur, Chhattisgarh
2. Hemlata Rathore D/o Late Swami Prasad Rathore Aged About 49 Years R/o Village And Post Dharsiwa, Tahsil Dharsiwa, District-Raipur, Chhattisgarh
3. Dharmendra Rathore S/o Late Swami Prasad Rathore Aged About 50 Years R/o Village And Post Dharsiwa, Tahsil Dharsiwa, District-

Raipur, Chhattisgarh

---- **Petitioners**

Vs

1. The 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, District Raipur, Chhattisgarh
3. Collector, Raipur, District Raipur, Chhattisgarh
4. Sub- Divisional Officer (Revenue), Cum-Land Acquisition Officer, Competent Authority, National Highway Raipur, District Raipur, Chhattisgarh
5. National Highway Authority Of India, Through Chief Engineer, Public Works Department, National Road Area Raipur, District Raipur, Chhattisgarh

---- **Respondents**

And

WPC No. 1348 Of 2017

Tulsiram Dewangan S/o Kanhaiyalal Dewangan, Aged About 47 Years
R/o Doctor Dewangan Niwas, Ward No. 25, Main Road, Birgaon,
District Raipur (Chhattisgarh)

---- **Petitioner**

Vs

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

---- **Respondents**

For Petitioners	: Mr. P.K. Patel, Advocate.
For Respondent No. 1	: Mr. Bhupendra Singh, A.S.G.
For Respondents No. 2 &3	: Mr. Gary Mukhopadhyay, Dy. A.G.
For National Highway Authority of India:	Mrs. Fouzia Mirza, Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/07/2017

(1) The petitioners' land has been acquired under the National Highways Act, 1956 but the requisite compensation has not been paid to them and it is not acceptable to the petitioner.

(2) Learned counsel for the State & Union of India would submit that the petitioners have alternative remedy under Section 3G (5) of the National Highways Act, 1956 to approach before the Arbitrator appointed by the Central Government.

(3) I have heard learned counsel appearing for the parties.

(4) Section 3G(5) of the National Highways Act, 1956 states as under :-

“3G(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

(5) At this stage, learned Standing Counsel for the Central Government would submit that Government of India, Ministry of Road Transport and Highways has issued notification on 5th September, 2016 and 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 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 six months from the date of presentation.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-