

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2261 of 2017

Birbal S/o Regsa Aged About 85 Years, Caste- Kenwat, R/o Village Chandali, Tahsil Dabhara, Dist Janjgir- Champa, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Shri N.K. Malviya, Advocate.
For Respondents	:	Shri Arun Sao, Dy. A.G. for the State.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/08/17

1. The petitioner is owner of the land which has been acquired for construction of National Highway No.153.
2. 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.
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 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.

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/-
(Sanjay K. Agrawal)
Judge