

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 213 of 2017

1. Siyaram Nayak S/o Late Shri Chitrasen Nayak, Aged About 50 Years
2. Kheernaryan Nayak, S/o Late Shri Chitrasen Nayak, Aged About 42 Years
3. Sewati Nayak, D/o Late Shri Chitrasen Nayak, Aged About 40 Years
4. Devkunwar, D/o Late Shri Chitrasen Nayak, Aged About 38 Years
5. Chandrakanti, D/o Late Shri Chitrasen Nayak, Aged About 35 Years
6. Smt. Jamuna Devi, W/o Late Shri Chitrasen Nayak, Aged About 70 Years
7. Purandar, S/o Late Shri Sukhdev, Caste Aghariya, Aged About 27 Years by caste Aghariya

All are R/o Village Raksapali, Thana & Tahsil Kharsiya, Civil & Revenue Distt. Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Civil & Revenue Distt. Raipur, (Chhattisgarh)
2. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Competent Authority National Highway Kharsiya, Distt. Raigarh, (Chhattisgarh)
3. National Highway Authority Of India, Through Chief Engineer, Public Works Department, National Road Area Raipur, Distt. Raipur, (Chhattisgarh)

---- Respondents

For Petitioners	Shri Sanjay Agrawal, Advocate
For Respondent-State	Shri Vinod Deshmukh, Dy. GA
For Respondent No.3	Shri Rahim Ubwani, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/02/2017

1. The petitioners are owners 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 petitioners are 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.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 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/-
Judge
(Prashant Kumar Mishra)

Nirala