

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.770 of 2017**

1. Narsingh Verma S/o Latel Verma, Aged About 58 Years R/o Village Tarpongi, P. O. Tarpongi, Tahsil Tilda, District Raipur (Chhattisgarh).
2. Bharti Verma D/o Narsingh Verma, Aged About 35 Years R/o Village Tarpongi, P. O. Tarpongi, Tahsil Tilda, District Raipur (Chhattisgarh).
3. Chinmay Dev, S/o Narsingh Verma, Aged About 31 Years R/o Village Tarpongi, P. O. Tarpongi, Tahsil Tilda, District Raipur (Chhattisgarh).
4. Sati, W/o Narsingh Verma, Aged About 56 Years R/o Village Tarpongi, P. O. Tarpongi, Tahsil Tilda, District Raipur (Chhattisgarh).

---- Petitioners**Versus**

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

For Petitioners : Mr. Pushpendra Kumar Patel, Advocate
 For State/Respondents: Mr. Arun Sao, Dy.A.G. and Ms. Fouzia Mirza,
 Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

26/09/2017

(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 petitioners.

(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, Raipur 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 petition is disposed of with a direction that in the event the petitioners prefer a claim before the Arbitrator i.e. Additional Commissioner, Raipur 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

L/-