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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1950 of 2014**

- Basant Tiwari S/o Late Motilal Tiwari Aged About 64 Years R/o Anand Samaj Library Bramhanpara Raipur Civil & Revenue Distt. Raipur C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Ministry Of Town & Country Planning Mantralaya Mahanadi Bhawan Capital Complex Naya Raipur C.G.
2. The Commissioner, Raipur, Distt. Raipur C.G.
3. The Collector Raipur, Distt. Raipur C.G.
4. The Sub Divisional Officer Cum Land Acquisition Officer, Raipur C.G.
5. The Naya Raipur Development Authority Through Its Chief Executive Officer, Naya Raipur C.G.

---- Respondent

For Petitioner	Mr. Sameer Uraon, Advocate
For Respondent /State	Mr. UNS Deo, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****1/2/2017**

1. Heard.
2. The petitioner has challenged the land acquisition proceedings and the award dated 08.10.2012 as well, passed by the Sub Divisional Officer-cum-Land Acquisition Officer,

Aarang/Abhanpur, in Land Acquisition Case No.52-A/82 year 2010-11.

3. IA No.03 is an application for withdrawal of the award amount.
4. On due consideration, the application is allowed and the petitioner is permitted to withdraw the award amount.
5. In view of the above, since the petitioner cannot be allowed to blow hot and cold that is to say he cannot be allowed to enjoy the award amount and yet assail the validity of the acquisition proceedings, the writ petition has rendered infructuous.
6. Accordingly, the writ petition is dismissed as infructuous. However, liberty is reserved in favour of the petitioner to seek appropriate remedy before the concerned authority under the provisions of the Land Acquisition Act, 1894 or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act, 2013, for enhancement of the amount, if the petitioner is not satisfied with the awarded amount.

Sd/-

Judge

(Prashant Kumar Mishra)

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