

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 612 of 2018**

Salig Ram Soni S/o Late Rameshwar Prasad Soni, Aged About 70 Years,
R/o House No. 19, SBI Colony, Rajnandgaon, District Ranandgaon
Chhattisgarh.

---- Petitioner**Versus**

1. Union Of India Through The Secretary, Ministry Of Transport And Highways (Department Of Road Transport And Highways), Transport Bhawan 1 Parliament Street, New Delhi - 110001 (India),
2. National Highways Authority Of India, Through Project Director, Project Implementation Unit, House No. 433/6, Plot No. T - 50, Infront Of AB - 5, Near Fitness Club, Sector - 2, Raipur, District Raipur Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer And Competent Authority Under the National Highways Act, 1956, Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Praveen Dhurandhar, Advocate.
For Respondents/ State	:	Mr. B. Gopa Kumar, Dy. A. G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/03/18**

1. Learned counsel appearing for the petitioner would submit that though petitioner's land bearing Khasra No. 297/1 has been acquired under the provisions of the National Highways Act, 1956 but the award dated 16.06.2009 has also been passed with respect to Khasra No. 297/3 and 297/4 situated at Village Sundara, therefore, the award dated 16.06.2009 be set aside. He further submits that against the award petitioner has filed civil suit bearing No. 13-A/2010 which was dismissed on 23.10.2017 as not maintainable and hence there is delay in filing the writ petition.

2. On the other hand, learned counsel appearing for Union of India submits that petitioner has a remedy to approach the jurisdictional arbitrator appointed under Section 3(G)(5) of the National Highways Act, 1956 (for brevity 'Act of 1956').

3. I have heard learned counsel for the parties at length and also gone through the records with utmost circumspection.

4. The petitioner is only challenging the award dated 16.06.2009 which can be challenged before the arbitrator appointed by the Central Government under Section 3(G)(5) of the Act of 1956. In view of the remedy available to the petitioner, this Court is not inclined to entertain the writ petition. However, the petitioner would be at liberty to approach the arbitrator appointed under Section 3(G)(5) of the Act of 1956.

5. At this stage, learned counsel for the petitioner submits that time may be indicated for determining the said application before the arbitrator since the matter is of the year 2009.

If such an application is preferred by the petitioner before the arbitrator under Section 3(G)(5) of the Act of 1956, the arbitrator shall consider and decide the same expeditiously preferably within a period of three months from the date of receipt of copy of application after hearing the parties.

6. With the aforesaid observation, the writ petition stands disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge