

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 673 of 2018**

Anand Swarup, son of Shri Jagdish Meshram, aged about 45 years, resident of Village-Sambalpur, Dhamtari, Tahsil & District – Dhamtari (C.G.)

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through the Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur, District – Raipur (C.G.)
2. The Collector, District – Dhamtari (C.G.)
3. The Additional Collector/Arbitrator (N.H.A.I.), Dhamtari, District Dhamtari (C.G.)
4. The Sub-Divisional Officer (Revenue)/ Land Acquisition Officer, Dhamtari, District Dhamtari (C.G.)
5. National Highway Authority, through the Project Director, National Highway Authority, Project Implementing Unit, Raipur Camp, House No. 12, Shyam Residency, Gujrati Colony, Dhamtari, District- Dhamtari (C.G.)

---- Respondents

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For Petitioner : Shri Vikash A. Shrivastava, Advocate.  
 For Respondents No. 1 to 4 : Shri Ashish Surana, Panel Lawyer.  
 For Respondent No. 5 : Smt. Fouzia Mirza, Advocate.

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**Order On Board**

**14/03/2018**

(1) Instant writ petition has been filed against the amount of compensation determined by the Arbitrator appointed under the provisions of Section 3G(5) of The National Highways Act, 1956 (henceforth “Act, 1956”).

(2) Learned counsel for the petitioner would submit that the award passed by the Arbitrator is unsustainable and bad in law.

(3) Be that as it may, the award passed by the Collector is subject to the provisions contained in Section 3(G)(5) of the Act, 1956, by virtue of which provisions of Arbitration &

conciliation Act, 1996 (for short "Act, 1956") would be applicable and the petitioner has remedy to file application under Section 34 of the Act, 1996 before the jurisdictional court.

(4) Accordingly, the writ petition stands finally disposed of. However, the petitioner is at liberty to approach before the jurisdictional Court under Section 34 of the Act, 1996.

Certified copy, as per rules.

(Sanjay K. Agrawal)  
Judge

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