

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1267 of 2018**

Anuj Agrawal S/o Shri M.G. Agrawal, aged about 52 years, R/o 435, Village Santa Colony, Raipur, Tahsil Raipur, District Raipur, (C.G.)

---- Petitioner

Versus

1. Union of India, through Secretary, Ministry of Road, Transport & Highways, New Delhi.
2. National Highway Authorities of India, through Project Director, Project Implementation Unit, 5196, Behind BTI College, Shankar Nagar, Raipur.
3. The Additional Collector, Being Arbitrator, Raipur, Under NH Act, District Raipur, Chhattisgarh.
4. The Land Acquisition Officer-cum-Sub Divisional Officer (Revenue), Raipur (C.G.)

---- Respondents

For Petitioner	:	Mr. Akhilesh Kumar, Advocate.
For Respondents/State	:	Mr. Avinash Singh, Panel Lawyer.
For Respondent No. 1	:	Mr. B. Gopa Kumar, ASG.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/05/18**

1. The petition filed by the petitioner before the Arbitrator under Section 3-G(5) of the National Highway Act, 1956 (for brevity 'Act of 1956') has been rejected, aggrieved against which this writ petition has been preferred by the petitioner.
2. Learned counsel appearing for the petitioner would submit that the impugned order passed is unsustainable and bad in law as the amount of compensation paid to the petitioner in lieu of his land is not as per the guidelines for rehabilitation.
3. I have heard learned counsel for the petitioner.

4. Admittedly, against the order passed by Arbitrator under Section 3-G(5) of the Act of 1956, the remedy available to the petitioner is to file an application under Section 34(2) of the Arbitration and Conciliation Act, 1996 before the District Judge.

In view of the above, this writ petition is held to be not maintainable. However, petitioner would at liberty to make an application before the appropriate authority for setting aside the award passed by the Arbitrator in accordance with law.

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

6. Certified copy of the impugned order be returned to the counsel for the petitioner on furnishing attested photo copy thereof.

Sd/-

(Sanjay K. Agrawal)
Judge