

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2755 of 2018**

- Basant S/o Bhajan Ram, Aged About 80 Years Occupation- Cultivator, Caste- Rajwar, R/o Village Kotal, Police Station And Tahsil Premnagar, District Surajpur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Collector, District Surajpur Chhattisgarh.
3. The Sub Divisional Officer (Revenue)-Cum-Land Acquisition Officer, Surajpur, District Surajpur Chhattisgarh.
4. Ambikeshwar S/o Bhajan Ram, R/o Village Kotal, Police Station And Tahsil Premnagar, District Surajpur Chhattisgarh.

---- Respondent

For Petitioner	Mr. Rahul Mishra, Advocate
For Respondent /State	Mr. Anand Dadariya, Govt. Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****8/10/2018**

1. Heard.
2. Certain land situated at Village Pachira, District Surajpur, has been acquired by the Land Acquisition Officer/Competent Authority under the National Highways Act, 1956 (in short "the Act, 1956"). After the award was passed, the petitioner raised a dispute under Section 3H(4) of the Act, 1956 in respect of

Khasra No.1024 and 1025 of Village Pachira on the ground that he has a share in the said land, therefore, the award passed in favour of respondent No.4 Ambikeshwar should be modified and he should also be allowed adequate admissible compensation. He has alleged that Ambikeshwar has recorded his name in the revenue record by committing fraud.

3. By the impugned order, SDO(R), Surajpur, has dismissed the application reserving liberty in favour of the petitioner to approach the jurisdictional Civil Court.
4. Referring to Section 3H(4) of the Act, 1956, it is argued that once a dispute is raised, the authority is bound to refer the matter for adjudication by the principal civil court of original jurisdiction, therefore, the competent authority has failed to exercise jurisdiction vested in it.
5. A perusal of the impugned order would itself demonstrate that the Second Civil Judge Class-I, Surajpur has passed compromise decree in the Lok Adalat on 6.7.2014 in Civil Suit No.301A/2013 directing recording the name of respondent No.4 Ambikeshwar in the revenue record concerning the subject land.
6. Learned counsel for the petitioner would not dispute that in the said civil suit, the petitioner was a party and further that the said decree/award of the Lok Adalat has not been assailed in any further proceeding.
7. In view of the decree passed by the Lok Adalat in favour of respondent No.4 Ambikeshwar, there was no real subsisting

genuine dispute referable for determination by the principal court of original jurisdiction, therefore, the SDO(R) has not committed any illegality in passing the impugned order.

8. The writ petition deserves to be and is hereby dismissed. However, the liberty reserved in favour of the petitioner by the concerned SDO(R) in the impugned order, shall remain intact.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna