

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1125 of 2019**

- Anita Chapariya, W/o Late Vinod Kumar Chapariya, Aged About 57 Years, R/o Village Jagatpur, Tahsil Raigarh, District - Raigarh Chhattisgarh.,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan Mantralaya, Thana Naya Raipur, Tahsil And District - Raipur Chhattisgarh.,
2. Sub Divisional Officer (Revenue Cum Land Acquisition Officer) Raigarh District Raigarh, Thana And Tahsil And District - Raigarh Chhattisgarh.,
3. The Sub Divisional Public Works Department Of National Highway Of State Of Chhattisgarh, National Highway Zone, Raigarh, Thana And Tahsil Raigarh District - Raigarh Chhattisgarh.,

---- Respondents

For Petitioner	: Shri N.K.Malviya, Advocate.
For Respondents/State	: Shri Rahul Jha, Government Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****26.03.2019**

1. By way of this petition, the petitioner is praying for reference of her claim/dispute before the Arbitrator appointed by the Central Government vide its Notification dated 05.09.2016 issued in exercise of power conferred under sub-section (5) of Section 3G of the National Highways Act, 1956 (henceforth, the Highways Act).

2. Shri N.K.Malviya, learned counsel for the petitioner submits that the petitioner's land bearing Kh.No. 362/1 admeasuring 0.633 hectares situated at village Jorapali, Tahsil and District Raigarh has been acquired by the Land Acquisition Officer in Land Acquisition Case No.12/A-82/2015-16 while assessing the compensation to the tune of Rs.53,13,282/-. The Petitioner is,

however, not satisfied with the said amount of compensation, therefore, a representation was made on 24.01.2019 before the Collector, Raigarh. He submits further that since the Additional Commissioner, Bilaspur has already been appointed as an Arbitrator by virtue of issuance of said Notification, therefore, the Petitioner's claim/dispute be referred to the said Arbitrator accordingly.

3. On the other hand, Shri Rahul Jha, learned Government Advocate has not disputed with regard to the factum of said Notification issued on 05.09.2016 by the Central Government in exercise of its power under sub-section (5) of Section 3G of the Highways Act.

4. Having considered the facts and circumstances of the case coupled with the issuance of said Notification by the Central Government appointing the Additional Commissioner, Bilaspur as an Arbitrator, I am inclined to dispose of this writ petition with a direction that in the event, the petitioner prefers a claim before the Arbitrator, i.e., Additional Commissioner, Bilaspur Division, within a period of one month from today, the said Arbitrator shall consider and decide the petitioner's claim/dispute at the earliest preferably within a period of 6 months from the date of submission of representation before him, along with the certified copy of this order.

5. With the aforesaid observation, the petition stands disposed of.

Sd/-

(Sanjay Agrawal)
Judge