

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3050 of 2019**

1. Jagmohan S/o Late Shri Pitamber Singh Aged About 68 Years
2. Bholanath Singh S/o Late Shri Pitamber Singh Aged About 56 Years
3. Ramnath S/o Late Shri Pitamber Singh Aged About 54 Years

All are R/o Nagpur, Tahsil Manendragarh, District - Korea, Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Through The Secretary, Department Of P. W. D. Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District - Raipur, Chhattisgarh
2. National Highway Authority Of India Project Implementation Unit, Shankar Nagar, Raipur, District - Raipur, Chhattisgarh
3. District Collector Korea, District - Korea, Chhattisgarh
4. Land Acquisition Officer/competent Authority/sub Divisional Officer (R) Manendragarh, District - Korea, Chhattisgarh
5. Parwati D/o Shiv Shankar Aged About 60 Years By Caste Kalar, R/o Nagpur, Tahsil - Manendragarh, District - Korea, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Rahul Mishra, Advocate
For Respondents/State	:	Shri Sudhir Sahu, PL
For Respondent No.2	:	Shri Vaibhav P. Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/09/2019

1. Heard.
2. It is contended that the land bearing Khasra No.168/3 which was originally

admeasuring 0.206 Hectares, out of which 0.034 Hectares was acquired by respondent No.4 for construction of the road. It is stated that the petitioners claim that the said land was ancestral property, wherein the right of the petitioners also exists. It is contended that though the award is passed on 09.07.2018 and subsequent to it for apportionment of the amount of the compensation, an application was filed by the petitioners under the National Highways Act, 1956 (for short 'the Act, 1956') vide Annexure P-4. It is further contended that without adhering to the mandate of Section 3H of the Act, 1956 since the revenue records only contains the name of respondent No.5 Parwati, the competent authority is going to disburse the entire amount.

3. Perused the application Annexure P-4, whereby the petitioners have filed an application before the competent authority to stop the payment exclusively to respondent No.5 and another one. The contents of the application would show that the petitioners also claim their right in respect of the property in a joint ownership.
4. Section 3H of the Act, 1956 takes care of the such situation and sub-sections (3) & (4) of Section 3H would be relevant, which are reproduced hereinbelow:-

“3H. Deposit and payment of amount.—

(1) xxx xxx xxx

(2) xxx xxx xxx

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose

jurisdiction the land is situated.

(5) xxx	xxx	xxx
(6) xxx	xxx	xxx”

5. When it is the case where the several persons claim to be interested in the amount deposited since they also claim for their right as they have the joint right over the property, which is acquired, therefore, since the application has already been filed, the respondent No.4 shall not disburse the entire amount to respondent No.5 exclusively and shall follow the provisions of sub-section (3) of Section 3H of the Act, 1956 and shall determine the persons on its own who are entitled to receive the amount. Further in case of any dispute the reference would be made in sub-section (4) of Section 3H of the Act, 1956.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu