

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4248 of 2019**

Shri Bake Bihari Ispat Private Limited, Through Its Director - Pawan Kumar Agrawal S/o Bhola Prasad Agrawal, Aged About 52 Years, R/o Ketka Road, Surajpur, District - Surajpur Chhattisgarh.

---- Petitioner**Versus**

1. Government Of India National Highway, Authority, Pot, Transport, Road And National Highway, Through The Chief Engineer, Public Works Department, National Authority Regional Office, Raipur Chhattisgarh.
 2. The Sub - Divisional Officer / Land Acquisition Officer, Baikunthpur, District - Korea Chhattisgarh.
 3. Bahal S/o Somarsai,
 4. Bobby Wd/o Somar Sai,
- Respondents No. 3 & 4 are R/o Village - Dumariya, Police Station - Patna, District - Korea Chhattisgarh.
5. The Additional Commissioner, Surguja Division, Ambikapur, District - Surguja Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Rahul Mishra, Advocate
For Respondent No.1	:	Mr. B. Gopa Kumar, Asstt. S.G. along with Mr. Krishna Gopal Yadaw, Advocate
For State	:	Mr. Somkant Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/11/2019**

1. The dispute in the instant case revolves around the acquisition of land by the respondents for widening of the National Highway in khasra No. 3895, measuring 0.050 hectare situated at village Dumariya, P.H. No.28, RIC-Patna, District Korea.
2. According to the petitioner, the said portion of land has been purchased by the petitioner from the respondents No. 3 & 4 by way of a registered sale deed dated 27.03.2017 since then the said piece of land is in possession of the petitioner. According to the petitioner,

since the land has been acquired by the respondents for construction and widening of road, the compensation if any payable under the Rules should be given to the petitioner and not to the respondents No.3 & 4. The petitioner in this regard has already raised an objection to the respondent No.2 before whom the objection/application is still pending.

3. It would be relevant at this juncture to refer to **Rule 3(H) of the National Highways Act, 1956**. The relevant sub-sections of the said Act is reproduced herein under:

“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”

4. Once when the respondent No.2 has already raised an objection in respect of his entitlement of compensation over the land belonging to him, which is acquired and if there is any other Claimants also for the said piece of land, the sub-sections (3) & (4) of the Act of 1956 envisages a provision of the competent authority referring the dispute to the concerned Principal Civil Court.
5. Given the said facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of directing the respondent No.2 to take a decision on the

objection raised by the petitioner and if for any reason, there is a dispute in respect of entitlement part is concerned, the same be decided in accordance with the provisions of Section 3(H) of the Act of 1956.

6. Let this exercise be concluded by the respondent No.2 within a period of 60 days from the date of receipt of the copy of this order. Till the decision is taken by the respondent No.2, no further disbursement of the compensation should be made in respect of the aforesaid land to any of the parties.
7. With the aforesaid observations, the present writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Ved