

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3465 of 2018**

1. Mohammad Mustkeem Khan S/o Late Shri Rasool Khan, Aged About 56 Years
2. Jamal Khan S/o Late Shri Rasool Khan Aged About 78 Years
3. Mohd. Khaleel Khan S/o Late Shri Rasool Khan Aged About 63 Years
4. Mohammad Mumtaz Khan S/o Late Shri Rasool Khan Aged About 37 Years
5. Fayoom Khan S/o Late Shri Rasool Khan Aged About 48 Years
6. Tajammul Khan S/o Late Shri Rasool Khan Aged About 50 Years
7. Mohammad Habib Khan S/o Late Shri Rasool Khan, Aged About 58 Years

All R/o Village Gatauri, P.S. Koni, Tahsil And District Bilaspur Chhattisgarh.

----- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The Collector, Bilaspur, District Bilaspur Chhattisgarh.
3. The Sub Divisional Officer (Revenue)/ Land Acquisition Officer, Bilaspur, District Bilaspur Chhattisgarh.
4. The Tahsildar, Bilaspur, District Bilaspur Chhattisgarh.
5. The Incharge Officer, National Highway Bilaspur, New Bus Stand, Abhilasha Parisar, Bilaspur, District Bilaspur Chhattisgarh.
6. Ajay Kumar, S/o Raj Kumar, R/o Village Gatauri, P.S. Koni, Tahsil And District Bilaspur Chhattisgarh.

----- Respondents

For Petitioner	Shri A.S. Rajput, Advocate
For Respondent/State	Shri Sanjay Agrawal, Govt. Advocate
For Respondent/NHAI	Shri Rahim Ubwani, Advocate

Order On Board

By

Prashant Kumar Mishra, J.

04/02/2019

1. Petitioner claims to have purchased the subject land from one Sahdev. He also claims that there is a decree passed by the jurisdictional Civil Court in his favour, yet the Land Acquisition Officer has assessed the compensation in favour of one Ajay Kumar because the revenue entries carried his name as owner of the subject land, which has been acquired by the National Highway Authority of India (NHAI). Learned counsel would also submit that the person in whose favour the compensation has been assessed does not exist in the village.
2. Be that as it may, once an award has been passed by the Land Acquisition Officer under the National Highways Act, 1956 (for short 'the Act, 1956') against which the petitioner is aggrieved, the appropriate remedy for the petitioner is to move before the jurisdictional Arbitrator appointed under Section 3G(5) of the Act 1956.

3. Learned counsel appearing for the State would submit that if the petitioner moves an application before the Arbitrator within a period of one month from today, the amount of compensation shall not be disbursed to any person till the Arbitrator decides the dispute.
4. Let the Arbitrator decide the dispute raised by the petitioner, in accordance with law and after hearing all the necessities parties, within a period of 4 months after its submission.
5. Accordingly, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Vijay