

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 174 of 2020**

*(Arising out of order dated 11.09.2019 passed in Writ Petition (C) No.3119 of 2019
passed by the learned Single Judge)*

The Executive Engineer, P.W.D. National Highway, Division, Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. Mahesh Kumar Gabel S/o Shri Goverdhan Prasad Gabel, Aged About 66 Years
R/o Masinyakala, Tehsil Sakti, District Janjgir - Champa Chhattisgarh.
2. State of Chhattisgarh, Through The Secretary, Department of Revenue, New
Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh
3. The Collector, District Janjgir - Champa Chhattisgarh.
4. The Sub Divisional Officer (Revenue) Cum - Prescribed Authority Land
Acquisition, Champa District Janjgir - Champa Chhattisgarh.
5. The Upper Commissioner, Bilaspur Division, Bilaspur Chhattisgarh.

---- Respondents

For Appellant : Shri Vaibhav P. Shukla, Standing Counsel.
For Respondent/State : Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per P.R. Ramachandra Menon, Chief Justice****13.02.2020**

1. Grievance of the Appellant is that the direction given by the learned Single Judge to cause the amount awarded to be deposited by the Land Acquisition Officer was at the admission stage, without getting a chance to bring the correct facts to the notice of the learned Single Judge. It is stated that the amount originally awarded was enhanced by the Arbitrator and this has been subjected to challenge by way of an appeal in terms of Section 34 of the Arbitration and Conciliation Act, 1996 before the District Court concerned.

2. If this be the position, it is for the writ Petitioner to have it brought to the notice of the learned Single Judge at the first instance and it cannot be by way of appeal.
3. The learned counsel for the Appellant, in the said circumstances, seeks for permission to withdraw the matter without prejudice to the rights and liberties of the Appellant to file appropriate proceedings in accordance with law, for redressal of the grievance.
4. Permission is granted.
5. The writ petition is dismissed as withdrawn with the liberty as aforesaid.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE