

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 170 of 2020**

*(Arising out of order dated 11.09.2019 passed in Writ Petition (C) No.3117 of 2019  
passed by the learned Single Judge)*

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

**---- Appellant****Versus**

1. Gopal Prasad Gabel S/o Shri Goverdhan Prasad Gabel Aged About 72 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
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**


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

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**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 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 The writ petition is dismissed as withdrawn with the liberty as aforesaid.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**