

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 595 of 2020**

1. Shri Rupanadham Steel Pvt. Ltd., A Company Duly Incorporated Under The Provision of Companies Act, Having Its Registered Office At 11 Shristi Garden, Telibandha, Raipur Chhattisgarh, Through Its Authorised Signatory Shri Pawan Kumar Agrawal, District : Raipur, Chhattisgarh

**---- Petitioner**

**Versus**

1. National Highway Authority of India Through Its Chief Engineer, Public Works Department, National Highway Zone, Pension Bada, Raipur, District : Raipur, Chhattisgarh
2. The Sub-Divisional Officer/ Land Acquisition Officer: Manendragarh, District : Korea, Chhattisgarh
3. Smt. Bigni Bai, W/o Shivnath, Resident of Village- Nagpur, Tahsil- Nagpur, District : Korea, Chhattisgarh
4. State of Chhattisgarh Through Its Secretary, Department of Revenue, Mahanadi Bhawan, Atal Nagar, District : Raipur, Chhattisgarh
5. The Collector, District : Korea, Chhattisgarh

**---Respondents**

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|----------------|---|------------------------------------------------------------------------|
| For Petitioner | : | Mr. Ankit Singhal, Advocate                                            |
| For State      | : | Mr. V.R. Tiwari, Addl. A.G.                                            |
| For Resp. No.1 | : | Ms. Jyoti Singh on behalf of Mr. B.Gopa Kumar, Asst. Solicitor General |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**11.02.2020**

1. The present is the second round of litigation. Earlier round of litigation was WPC No. 4271 of 2019, decided on 26.11.2019.

2. The grievance raised by the petitioner in the first round of litigation was that, the petitioner is the actual owner of the land situated at Khasra No. 171/1 measuring 0.032 hectare situated at village Nagpur, P.H. No. 17 Tehsil: Baikuntpur, District: Korea. That the property was purchased vide sale deed executed on 03.08.2016 and the name of the petitioner was also entered in the revenue records on 22.10.2016. That subsequently, the aforesaid land was acquired by the State Government for construction and widening of the National Highway and an award was passed on 09.07.2018, which was published on 15.07.2018. In terms of the award passed, the amount for compensation determined by the Land Acquisition Officer was released to the respondent no. 3. In the present writ petition, who was the original owner of the property from whom the petitioner had already purchased the said property on 03.08.2016.
3. According to the counsel for the petitioner, since the award has been passed subsequent to the registered sale-deed being executed and the name of the petitioner was also entered into the revenue records. Compensation part as such should had been released to the petitioner. The first writ petition ie., WPC No. 4271 of 2019 stood disposed off on 26.11.2019, whereby this Court had directed the respondent no. 2 to take a decision on the objection raised by the petitioner; so far as the grant of compensation to the private respondent no. 3 is concerned in accordance with the law.
4. Subsequently, the petitioner's objection was decided vide order dated 03.01.2020 (Annexure P-12). That the objection of the petitioner has been decided holding that since the objection was

raised at a late stage and that, the objections were not raised by the respondent authorities before Section 3 (A) and 3 (D) notification was published. Moreover, the compensation amount has already been released to the original owner as early as on 27.09.2019. Therefore, the State authorities concerned and the Sub-Divisional Officer are not in a position to take further steps in this regard. It is this order, which is under challenge in the present writ petition.

5. All said and done, what should be appreciated is the fact that the land acquisition proceeding has already been finalised by the publication of the final award on 09.07.2018, which was published in the newspaper on 15.07.2018. Subsequently, the compensation award/amount also has been released to the respondent no. 3 as early as on 27.09.2019. It is all the more necessary to mention here that the payment was even released to the respondent no. 3 much before the first round of litigation stood disposed off on 26.11.2019.
6. Now, that the compensation part already having been disbursed, any further dispute which remains is inter-se dispute between the petitioner and the respondent no. 3. That in case, if the petitioner has to recover the said amount, the same would have to be recovered from the respondent no. 3. The said dispute is not a dispute, which could be decided under the writ jurisdiction of this Court.
7. In view of the same, this Court is of the opinion that it shall be upon the petitioner to take appropriate remedies available to him for getting the same recovered from the respondent no. 3 in accordance with the remedies available to the petitioner. After the disbursement

of the compensation, the Sub-Divisional Officer/Land Acquisition Officer becomes *functus officio*.

8. With the aforesaid observations, the writ petition stands disposed off.

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