

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 804 of 2020**

1. Abhay Kumar Dubey S/o Shri Vishnu Manohar Dubey, Aged About 45 Years, R/o. Village Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh
2. Vinay Kumar Dubey S/o Shri Vishnu Manohar Dubey, Aged About 43 Years R/o. Village Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh
3. Smt. Anshubala Dubey W/o Shri Vishnu Manohar Dubey, Aged About 63 Years, R/o. Village Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh
4. Vijay Dubey S/o Late Shyam Manohar Dubey, Aged About 57 Years R/o. Village Sankara, Tahsil Pithora, District Mahasamund, Chhattisgarh
5. Ajay Dubey S/o Late Shyam Manohar Dubey, Aged About 58 Years R/o. Village Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh

---- Petitioners**Versus**

1. Union Of India Through The Secretary, Ministry Of Transport And Highways (Department Of Road Transport And Highways), Transport Bhawan, 1, Parliament Street, New Delhi 110001 (India)
2. Secretary, State Of Chhattisgarh, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
3. Additional Collector/ Arbitrator (N.H.A.I.), Mahasamund, District Mahasamund, Chhattisgarh
4. Sub Divisional Officer-Cum-Land Acquisition Officer, Pithora, District Mahasamund, Chhattisgarh

5. Project Director, National Highway Authority Of India, Office Project Director, Project Implementation Unit, Dhamtari, Block F-5 Shivraj Greens, Sihava Road, Dhamtari, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Raghvendra Pradhan with Mr. Shikhar Sharma, Advocate
For Respondents 1 & 5	:	Mr. B. Gopa Kumar, ASG
For State/R- 2, 3 & 4	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03.03.2020

1. The challenge in the present writ petition is to the order passed by the Additional Collector-cum-Arbitrator (N.H.A.I.), Mahasamund in Case No. 55/B-121 Year 2017-18 dated 27.03.2019.
2. At the outset, this Court is of the opinion that the order passed by the Additional Collector-cum-Arbitrator is one under the provisions of the National Highways Act, 1956. Sub Section 6 of Section 3G clearly envisages that subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act. The impugned order is one which has been passed by the Additional Collector acting as an Arbitrator.
3. In view of the same, the only recourse available to the petitioners is to challenge the impugned order Annexure P-1 by way of proceedings as envisaged under the provisions of the Arbitration and Conciliation Act, 1996.
4. In View of the fact that there is a statutory alternative remedy available to the petitioners for challenging the order passed by the Arbitrator on

27.03.2014, the present writ petition in its present form would not be maintainable.

5. Reserving the right of the petitioners to avail other remedies open to them under law, the writ petition stands rejected. Subject to the petitioners furnishing photo copy of the impugned order, certified copy of the same shall be returned to them.

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