

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1255 of 2020**

1. Saupatram S/o Late Ledhava Aged About 70 Years R/o Village Sendri, Tahsil And District Bilaspur, Chhattisgarh, (Non Applicant No. 1)
2. Chhedilal Sonwani S/o Late Gangaprasad Sonwani Aged About 60 Years R/o Village Sendri, Tahsil And District Bilaspur, Chhattisgarh, (Non Applicant No. 3)
3. Rajaram Sinha S/o Late Hemdutt Aged About 40 Years R/o Village Sendri, Tahsil And District Bilaspur, Chhattisgarh, (Non Applicant No. 3)
4. Banshilal S/o Late Gangaprasad Sonwani Aged About 68 Years R/o Village Sendri, Tahsil And District Bilaspur, Chhattisgarh, (Non Applicant No. 4)

---- Petitioner**Versus**

1. Diwanchand S/o Late Gangaprasad Sonwani Aged About 90 Years R/o Village Sendri, Tahsil And District Bilaspur, Chhattisgarh, (Representation)
2. Bilaspur Katghora National Highway Authority Declared By Ministry Of Highway, Shipping, Road Transport And Highway, Government Of India Under National Highway Scheme, Through Project Director Bilaspur, District Bilaspur, Chhattisgarh, (Non Applicant No. 5)
3. Office Of The Sub Divisional Officer (Revenue) And Competent Officer, Land Acquisition Bilaspur, District Bilaspur, Chhattisgarh, (Non Applicant No. 6)

-----Respondents

For Petitioners	: Mr. Arvind Shrivastava, along with Mr. Anumeh Shrivastava, respective Advocates
For State	: Ms. Sunita Jain, G.A.
For Respondent no. 2	: Mr. Himanshu Pandey, Adv. on behalf of Mr. B.Gopa Kumar, ASG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/06/2020**

1. The present dispute in the present writ petition seems to be a family dispute between brothers and sisters in respect of the compensation calculated and put for disbursement in respect of a land acquisition proceedings.
2. The dispute revolves around a property which is on the land situating on the National Highway Bilaspur Katghora Road, which has since been acquired for the purpose of widening of the road and for construction of four lane road.

3. The challenge in the present writ petition is to the order Annexure P/1 passed by the Commissioner/Arbitrator Bilaspur Division Bilaspur dated 06.05.2020 whereby the Learned Commissioner has remanded the matter back to the authorities for adjudication of the dispute afresh after hearing all the parties and giving all of them an opportunity of hearing as well.
4. The primary contention of the Counsel for the petitioners in the instant case is that the matter when it was listed before the Commissioner it was supposed to be heard only on the preliminary objections that the petitioners had filed in respect of the maintainability of the case and also the competence of Learned Commissioner in deciding the said matter.
5. This Court on due consideration of the fact finds that, since the entire dispute is in respect of a property in between brothers and sister, this Court is of the opinion that a peaceful and amicable recourse should be adopted by the parties or should be adopted to resolve their dispute, differences and grievances.
6. Even though, the petitioners may have some merits on the technical aspect raised, but since the matter stands remitted for afresh adjudication before the authorities, the order as is not detrimental to any bodies interest.
7. This Court is of the opinion that it would be more appropriate for the petitioners and all the disputing parties to approach before the Sub Divisional Officer themselves where they can put up all their claims. The Sub Divisional Officer also in the light of the directions given by the Commissioner decide the matter on merits.
8. However, the Sub Divisional Officer shall explore the possibility of the matter to be resolved amicably, since it is all the family members involved in the dispute.

9. Since the matter now stands reopened as per the order of the Commissioner, it is left open for other brothers and sister of the petitioner and the private respondents also to enter appearance before the Sub Divisional Officer and after hearing all the persons in the family only then should an appropriate order be passed on merits.
10. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha