

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2050 of 2020**

Sunaina Singh W/o Ashok Kumar Singh Aged About 52 Years R/o L.I.G.
52, Sada Colony, Jamnipali, Tahsil Katghora, District Korba, Chhattisgarh.,
District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Secretary Ministry Of Railway Rail Bhawan, Rafi Marg, New Delhi- 110001.
2. State Of Chhattisgarh Through Secretary Department Of General Administration, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Additional Commissioner Bilaspur Division Commissioner Office, Circuit House Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Siddharth Shukla, Advocate
For State/Res.2 & 3	:	Mr. Sudeep Verma, Dy. GA
For Respondent No.1	:	Mr. Sharad Mishra, on behalf of Mr. Ramakant Mishra, Advocates

Hon'ble Shri Justice P. Sam Koshy
Order on Board

21/09/2020

1. The limited grievance that the petitioner has in the present writ petition is that the case of the petitioner pending consideration before respondent No.3 for determination of proper compensation of the land belonging to the petitioner which has been acquired.
2. According to the petitioner under the Railways Act respondent No.3 has been nominated as an arbitrator before whom the petitioners had

moved a arbitration application. However, of late for a considerable period of time the post of Additional Commissioner, Bilaspur Division is lying vacant and as a consequence the arbitration proceedings initiated has not further progressed.

3. Counsel for the petitioner prays that respondent No.2 may be directed to immediately fill up the post of Additional Commissioner, Bilaspur Division so that such arbitration proceedings pending can be initiated and disposed of at the earliest. As an alternative, the petitioner also prays for a direction to the Union of India to pass an order for a situation where in the event of the State Government is not able to appoint/post an Additional Commissioner, within a reasonable time, some other officer of the same rank can proceed to hear and decide such cases which were pending before respondent No.3.
4. Given the limited relief that the petitioner has sought for and also considering the fact that in the absence of an Additional Commissioner, Bilaspur Division being appointed or posted a large number of arbitration proceedings arising out of the Railways Act as also from the National Highways Act would lie undetermined for a indefinite long period. In this regard the authorities i.e. the respondents No.1 & 2 should definitely consider the aspect seriously and try to redress the grievance of the petitioner and similar other persons whose matters are pending before respondent No.3.
5. Given the nature of dispute and relief sought for, this Court is of the opinion that ends of justice would meet if respondent No.2 is directed to ensure appointment of an Additional Commissioner, Bilaspur

Division at the earliest. This Court would also like to direct respondent No.1 to take necessary steps in ensuring that in the event of Additional Commissioner's post getting vacant, there should be an alternative office or an officer nominated who could act as an arbitrator so that the proceedings can continue.

6. Let respondent No.2 take an appropriate decision within a period of 60 days from the date of receipt of copy of this order.
7. Registry is directed to send the order of this Court to respondent No.2 for a prompt decision.
8. In case if the appointment/posting are to be made by the Revenue Department, the respondent No.2 shall ensure that the order of this Court is placed before the Secretary, Revenue Department for an appropriate order at the earliest in this regard for compliance of this order.
9. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge