

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVIEW PETITION NO. 149 OF 2020**

- National Highways Authority of India, through Project Director, Project Implementation Unit, D-61, HIG-I, Abhilasha Parisar, Tifra, District Bilaspur (CG).

... Petitioner**versus**

1. Mahesh Nachrani, S/o Shri Radhakishan Nachrani, aged about 41 years, R/o Panchshil Nagar, Civil Line, Raipur, Tehsil and District Raipur (CG)
2. State of Chhattisgarh, through the Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (CG)
3. The Collector, Bilaspur, District Bilaspur (CG)
4. The Sub Divisional Officer (Revenue) cum Prescribed Authority, Land Acquisition, Bilaspur, District Bilaspur (CG)
5. The Upper Commissioner/Arbitrator Bilaspur, Division, Bilaspur, District Bilaspur (CG)

... Respondents

For Petitioner	:	Mr. Dhiraj Kumar Wankhede, Advocate.
For Respondents/State	:	Mr. Rahul Jha, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/12/2020**

1. The present Review Petition has been filed by the Petitioner seeking review of Order dated 10.6.2020 passed by this Court in W.P.C. No. 1173/2020.
2. For ready reference, the operative part of Order dated 10.6.2020 is reproduced herein under:-

“The apprehension of the respondent seems to be fair and reasonable. Accordingly, the writ petition stands disposed of directing respondent No.3 to take appropriate recourse available to comply with the order dated 05.07.2019 passed by the Additional Commissioner, Bilaspur in the aforementioned case. While deciding, the Sub Divisional Officer respondent No.3 is expected to get the matter verified whether the order of the Additional Commissioner has been subjected to challenge before any authority/Court or not.”

3. The review of Order dated 10.6.2020 has been sought for on the ground that the National Highways Authority was not a party directly in W.P.C. No. 1173/2020 nor was the National Highways Authority aware of any Award passed by any Additional Commissioner in any Arbitration proceedings under the National Highways Act.

4. Both these grounds which have been raised by the Petitioner would not be the grounds seeking for review of Order dated 10.6.2020, for the reason that what this Court while disposing of the aforesaid Writ Petition has held is that, unless the Order/Award of the Additional Commissioner, Bilaspur, dated 5.7.2019 passed in Case No. 21A-82/2018-19, is challenged or has been set-aside, the Award of the Additional Commissioner would have to be complied with and for which the Petitioner in the aforesaid Writ Petition has already preferred a representation which needs to be decided by the Sub Divisional Officer and which was ordered to be decided.

5. This Court therefore does not find any error apparent on the face of record calling for review of Order dated 10.6.2020 passed in W.P.C. No. 1173/2020. The remedy available to the Petitioner would be by approaching the Additional Commissioner or taking further available recourse to challenge the Order of the Additional Commissioner. Learned Counsel for Petitioner at this juncture submits that the recourse of challenging the Order of the Additional Commissioner has already been availed by the Petitioner.

6. Review Petition accordingly stands disposed of with the aforesaid observation.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE