

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1295 of 2021

Anita Devi Wd/o Late Vinod Kumar Aged About 60 Years R/o Village Jagatpur Thana Jagatpur District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Revenue, Mahanadi Bhawan Thana Naya Raipur Tahsil And District Raipur Chhattisgarh.
2. The Sub Divisional Officer, Raigarh District Raigarh Thana And District Raigarh Chhattisgarh.

---- Respondents

For petitioner – Shri Nilkanth Malviya, Advocate.

For State – Shri Amrito Das, Addl.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

04/03/2021

Heard.

1. Learned counsel for the petitioner would submit that the land of the petitioner was acquired for the purpose of construction of national highway and though the land is recorded as a diverted land in the year 1997 but the compensation has not been provided according to the value of the land though it was in the knowledge of the authority who had passed the award. He would submit that the petitioner has filed a representation before the Collector which may be directed to be decided.
2. Perusal of the award Annexure P-1 would show that the land in question was acquired under the National Highways Act, 1956. The National Highway Authorities are not before this court. If the petitioner is aggrieved that the quantum of compensation has not been properly determined and is not acceptable, then the petitioner could have availed the remedy under Section 3G(5) of the National Highways Act, 1956. The submission of the petitioner to direct the Collector to decide their representation cannot be ordered for in view of the clear statutory

mandate as by order no jurisdiction by order of this Court can be conferred over the statute.

3. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

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