

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.4153 of 2021**

1. Kamtakumar Prasad S/o Bishat Aged About 55 Years,
2. Krupa Ram Yadav S/o Budhu Ram Aged About 70 Years,
3. Bhimsen Sonkar S/o Sukul Sonkar Aged About 50 Years,
4. Ram Prasad Sonkar S/o Vishnu Sonkar Aged About 48 Years,
5. Budhiya Nishad W/o Tejram Nishad, Aged About 57 Years,

Address - Village Paragaon Tehsil Arang, District : Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Revenue And Public Work Department Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector, District Raipur (Chhattisgarh)
3. Sub Divisional Officer Cum Land Acquisition Officer, Arang, Raipur (Chhattisgarh)
4. Project Director, Project Implementation Unit Bilaspur Chhattisgarh

--- Respondents

For Petitioners	:	Mr. Himanshu Pandey, Advocate
For Respondent-State	:	Mr. Chandresh Shrivastava, Dy. A.G.

S.B. - Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02.12.2021

1. Heard on petition.
2. It is submitted that the petitioner is being aggrieved by the award of compensation passed by Respondent No.3 without taking into consideration to the nature of the land and relying on the notification dated 04.12.2014 which has been withdrawn and not in existence. The NHAI has issued notification from time to time and that too have not been taken into consideration in determining

the compensation, therefore, computation of the compensation is totally erroneous and in complete violation of Article 300 A of the Constitution of India. It is submitted that the petitioner has filed a representation before the Respondent No.3 who may be directed to decide the representation of the petitioner at the earliest and in accordance with law.

3. State counsel representing Respondents No. 1 to 3 opposes the submission and submits that the land has been acquired by NHAI which has not been made a party. However, the petitioner has remedy available to file a reply under Section 3g(5) of the National Highways Act, 1956. Hence, this petition be disposed off.
4. Considering on the submissions. As per the submission made by counsel for the respondents, the petitioner has liberty to file representation under Section 3g(5) of the National Highways Act, 1956. However, the prayer made by the counsel for the petitioner counsel in this petition is disposed off with direction to the Respondent No. 3 to decide the representation filed by the petitioner at the earliest preferably within a period of 60 days from today.
5. With the aforesaid observation/ direction, the writ petition stands disposed off.
6. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge