

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4862 of 2021**

Dhela Bai W/o Shiv Lal Aged About 80 Years R/o Thanaod, Tehsil And District- Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Revenue And Disaster Management Mahanadi Bhawan, Nava Raipur, District- Raipur, Chhattisgarh
2. Project Director, Bharatmala National Highway Development Project, Office At Block- F-5, Shivraj Greens, Sihawa Road Dhamtari, Chhattisgarh
3. Competent Authority, (Land Acquisition) Durg, District- Durg, Chhattisgarh

----Respondents

For Petitioner	:	Mr. C.K. Sahu, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/12/2021**

1. The petitioner seems to be aggrieved of the amount of compensation awarded to the petitioner by the Sub-Divisional Officer (Revenue) by way of compensation for the land belonging to the petitioner, which was acquired for the purpose of construction of the National Highway.
2. At the outset this Court is of the opinion that under the National Highways Act, 1956, Rule 3G, which was introduced to the Act of 1997 specifically provides for a mechanism seeking enhancement of compensation if any person is not satisfied with the amount of compensation determined by the competent authority. For ready reference Section 3G(5) is reproduced hereinunder:

“3G. Determination of amount payable as compensation:

(1) xxxxxx

(2) xxxxxx

(3) xxxxxx

(4) xxxxxx

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

3. Given the aforesaid statutory provision as it stands, the present writ petition in its present form would not be maintainable. The right of the petitioner stands reserved to avail appropriate remedies as is available under the aforementioned Act of 1956 seeking enhancement of compensation.
4. The writ petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved