

(2016) 12 RAJ CK 0035
In the Rajasthan High Court
Case No : Civil Writ No. 14074 of 2015

Pushpa Bai

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 14-12-2016

Acts Referred:

National Highways Act, 1956 — Section 3G(5)

Citation : (2017) 1 WLCRajUC 235

Hon'ble Judges : Mr. Sandeep Mehta, J.

Bench : Single Bench

Advocate : Mr. Rakesh Arora, Advocate, for the Petitioners; Mr. Mukesh Dave, Advocate, for the Respondents

Final Decision : Allowed

Judgement

Mr. Sandeep Mehta, J.—The petitioners have approached this Court being aggrieved of the order (Annexure-6) dated 14.03.2015 passed by the District Collector, Pratapgarh whereby, the application submitted on behalf of the petitioners for modification/enhancement in the amount of compensation pursuant to the acquisition of the petitioners' land for development of National No.113 was rejected on the ground that the adjudication of such dispute could only be made by raising a dispute in the competent court.

2. Learned counsel for the petitioners has placed on record copy of State Government's notification/circular dated 08.02.2015 as per which, the District Collectors concerned have been authorised to act as Arbitrators under Section 3G(5) of the National Highway Act and to decide such applications.

3. Shri Mukesh Dave, learned AGC does not dispute the fact that the District Collector is authorised to act as an Arbitrator under Section 3(g)(5) of the National Highway Act and is competent to adjudicate the application filed by the petitioners under Section 3G(5) of the National Highway Act.

4. In this view of the matter, this Court is of the opinion that the order under

challenge is illegal and does not stand to scrutiny.

5. Accordingly, the writ petition is allowed. The impugned order (Annexure-6) dated 14.03.2015 is hereby quashed and set aside. The matter is remitted back to the District Collector, Pratapgarh to decide the application for enhancement in compensation submitted on behalf of the petitioner by exercising the powers of Arbitration conferred upon him by Section 3G(5) of the National Highway Act objectively and on merits after providing opportunity of hearing to all the concerned. The disposal of the application upon remand shall be made as per law within a period of six months from the date of submission of copy of this order.