



2026:CGHC:17838

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1121 of 2021**

Manharan Suryavanshi S/o Barati Ram Aged About 64 Years R/o Darri Para Suryavanshi Mohalla, Afrid, Police Station Saragaon, Tahsil Saragaon, District Janjgir Champa Chhattisgarh

... Petitioner**versus**

1 - State of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh

2 - Collector District Janjgir Champa Chhattisgarh

3 - Sub Divisional Office (Revenue)-Cum-Competent Authority National Highway No. 200, (New No. 49) Champa, District Janjgir Champa Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Govind Prasad Dewangan, Advocate
For State/Respondents	:	Mr. Ujjawal Choubey, Panel Lawyer
For NHA1	:	Mr. Dhiraj Kumar Wankhede, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge**Order on Board****20.04.2026**

1. By filing the present petition, the petitioner assails not any specific order, but the continued inaction, apathy and willful negligence on



the part of the respondent authorities, who have failed to discharge their mandatory statutory obligations under the National Highways Act, 1956 (for short, 'the Act of 1956'). Despite the determination of compensation in accordance with the provisions of Section 3G of the Act of 1956, the respondent authorities have neither taken steps to disburse nor to distribute the awarded amount to the rightful claimant, thereby causing grave prejudice and financial hardship to the petitioner. The petitioner, therefore, invokes the extraordinary jurisdiction of this Court seeking issuance of an appropriate writ, order or direction commanding the respondent authorities to forthwith release and disburse the compensation amount lawfully determined in his favour under the provisions of the Act of 1956. The petitioner has prayed for following relief(s) :-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relates to the case of the petitioner from the possession of respondents for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondents to disburse/distribute the amount of compensation to the petitioner as determined under the provision of National Highways Act, 1956 and further be pleased to direct the respondents to grant interest on the amount of compensation from the date of notification till date of actual payment to the petitioner.



10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. Learned counsel for the petitioner submits that the petitioner is the recorded owner and in possession of the lands bearing Khasra Nos. 1204 and 1306 situated at Village Afrid, Tahsil Saragaon, District Janjgir-Champa (C.G.), which were acquired by the respondent authorities for the purpose of construction/widening of National Highway No. 200 (New No. 49) under the provisions of the National Highways Act, 1956. It is submitted that though an award was duly passed on 30.07.2016 and the compensation amount was determined under Section 3G of the Act of 1956, the same has not been disbursed to the petitioner till date. It is further submitted that the property in question had originally been obtained by the petitioner's predecessor through a Tabadalanama, and pursuant thereto, the competent Tahsildar, after due inquiry and consideration of relevant documents, has passed an order recognizing the petitioner's rights over the said land. On the basis of such Tabadalanama and the order passed by the Tahsildar, mutation has duly been effected in the revenue records, and the petitioner's name presently stands recorded in B-1 and P-II, thereby conclusively establishing his lawful title and entitlement over the land in question.



3. Learned counsel further submits that initially, due to an inadvertent error, the name of one Prem Bai was reflected in the notification instead of the petitioner. However, upon objection raised by the petitioner, the said error stood rectified through the mutation proceedings. Despite such correction and despite the petitioner being the rightful owner, the respondent authorities have failed to disburse the compensation amount in his favour. It is thus submitted that the continued inaction and apathy on the part of the respondent authorities, despite lapse of several years and repeated representations, is wholly arbitrary, illegal and contrary to the statutory mandate under Section 3G of the Act of 1956, and also violative of Article 300-A of the Constitution of India. Hence, the petitioner is legally entitled to receive the compensation amount for the acquired land, and appropriate directions deserve to be issued to the respondents for its immediate disbursement.
4. Though the National Highways Authority of India (NHAI) has not been arrayed as a party respondent in the present proceedings, this Court, considering that the dispute pertains to acquisition proceedings of the year in question under the National Highways Act, 1956, deemed it appropriate to seek assistance from learned counsel who ordinarily represents NHAI. Accordingly, this Court called upon Dhiraj Kumar Wankhede, who, upon request, fairly agreed to assist the Court in the matter.



5. Learned counsel assisting for NHAI submits that in case there exists any dispute of the nature raised by the petitioner, the statutory remedy lies before the Competent Authority under the provisions of the Act of 1956. It is contended that such disputes are required to be adjudicated in terms of Section 3H(4) of the Act of 1956, which provides for resolution of disputes relating to apportionment or entitlement through the mechanism prescribed therein, and therefore, the petitioner ought to be relegated to the said statutory remedy.

6. Per contra, learned counsel for the petitioner submits that the controversy involved in the present case does not fall within the ambit of Section 3H(4) of the Act of 1956, but is squarely covered under Section 3H(3) of the Act of 1956. It is contended that under Section 3H(3) of the Act of 1956, the Competent Authority itself is obliged to determine the person or persons who are entitled to receive the compensation, and in the present case, such determination already stands concluded in favour of the petitioner, particularly in view of the corrected revenue entries and mutation effected pursuant to the order passed by the Tahsildar. It is further urged that there is no subsisting dispute inter se between rival claimants requiring adjudication under Section 3H(4) of the Act of 1956.

7. In support of his submissions, learned counsel appearing for NHAI has placed reliance upon the judgment of the Hon'ble Supreme



Court in ***Vinod Kumar and Others v. District Magistrate, Mau and Others, (2013) 19 SCC 126***, to contend that where disputes regarding entitlement or apportionment of compensation arise, the parties are required to avail the statutory remedy provided under the Act of 1956, and the writ jurisdiction should not ordinarily be invoked bypassing such mechanism. It is thus submitted that the present petition is not maintainable in its current form and the petitioner ought to approach the Competent Authority for redressal of his grievance in accordance with law.

8. I have heard learned counsel appearing for the parties and perusal the material available on record.
9. The controversy involved in the present case lies in a narrow compass, namely, whether the petitioner, whose land admittedly stands acquired and whose name now stands recorded in the revenue records pursuant to mutation, is entitled to disbursement of compensation, or whether the petitioner is required to avail the remedy before the Competent Authority in view of an alleged dispute regarding entitlement.
10. In ***Vinod Kumar*** (supra), the Hon'ble Supreme Court while dealing with the issue, has held as under :-

“33. We fail to understand on what basis the High Court in its impugned order has observed that the District Magistrate is competent to examine the order passed by the Special Land



Acquisition Officer and decide the dispute as to the apportionment of the amount.

34. In the decision in Sharda Devi v. State of Bihar, (2003) 3 SCC 128, this Court had an occasion to consider the ambit and scope of Sections 30 and 31, respectively, of the Land Acquisition Act, 1894. In analysing and interpreting these provisions, this Court held as under: (SCC pp. 140-41, 143-44 & 146, paras 23-24, 26 & 33-34)

"23. The two provisions contemplating power of the Collector to make reference as contained in Section 18 and Section 30 of the Act need a comparative study. Under Section 18 the subject-matter of reference can be a dispute as to any one or more of the following: (i) as to the measurement of the land, (ii) as to the amount or the quantum of the compensation, (iii) as to the persons to whom the compensation is payable, (iv) as to the apportionment of the compensation among the persons interested. Under Section 30 the subject-matter of dispute can be: (i) the apportionment of the amount of compensation or any part thereof, (ii) the persons to whom the amount of compensation or any part thereof is payable. Though the expression employed in Section 18 is "the amount of compensation" while the expression employed in Section 30 is "the amount of compensation or any part thereof, this distinction in legislative drafting is



immaterial and insignificant and a dispute as to entitlement or apportionment of part of the compensation would also be covered by Section 18 of the Act on the principle that the whole includes a part too. Thus, at the first blush, it seems that Section 30 overlaps Section 18 in part; but as will be seen shortly hereinafter, it is not so.

24. G.H. Grant v. State of Bihar, 1965 SCC OnLine SC 51, is a three-Judge Bench decision of this Court wherein the scheme of the Act by reference to the power vesting in the Collector to make a reference came up for the consideration of the Court. The three-Judge Bench by a majority of 2:1 laid down the following principles:

(i) There are two provisions in the Act under which the Collector can make a reference to the Court, namely, Section 18 and Section 30. The powers under the two sections are distinct and may be invoked in contingencies which do not overlap. A person shown in that part of the award which relates to apportionment of compensation who is present either personally or through a representative or on whom notice is issued under Section 12(2), must, if he does not accept the award, apply to the Collector to refer the matter to the Court under Section 18 within the time prescribed thereunder. But a person who has not appeared in the acquisition proceedings before the Collector



may, if he is not served with notice of filing, raise a dispute as to apportionment or as to the persons to whom it is payable and apply to the Court for a reference under Section 30, for determination of his right to compensation which may have existed before the award, or which may have devolved upon him since the award. For a reference under Section 30, no period of limitation is prescribed.

(ii) It is not predicated of the exercise of the power to make a reference under Section 30 that the Collector has not apportioned the compensation money by his award.

(iii) The award made by the Collector under Section 11 is not the source of the right to compensation. An award is strictly speaking only an offer made by the Government to the person interested in the land notified for acquisition; the person interested is not bound to accept it and the Government can also withdraw the acquisition under Section 48. It is only when possession of the land has been taken by the Government under Section 16 that the right of the owner of the land is extinguished. Therefore the appellant's contention that title to compensation is derived solely from and on the date of the award, could not be accepted.

(iv) The liability of the Government under Section 31 to pay compensation to the person entitled thereto under the award does



not imply that only the persons to whom compensation is directed to be paid under the award may raise a dispute under Section 30. The scheme of apportionment by the Collector under Section 11 is conclusive only between the Collector and the persons interested and not among the persons interested. Payment of compensation under Section 31 to the persons declared in the award to be entitled thereto discharges the State of its liability to pay compensation leaving it open to the claimant to compensation to agitate his right in a reference under Section 30 or by a separate suit.

(v) Under the Bihar Land Reforms Act the title of the appellant to the land noticed for acquisition became vested in the State and therefore the right to compensation for the land acquired devolved upon the State. A dispute then arose between the State Government and the appellant "as to the persons to whom" compensation was payable. The State had no right to the compensation payable for the land under a title existing before the date of the award of the Collector and no application could be made by it as a person interested within the meaning of Section 18. But a dispute between the appellant and the State as to their conflicting claims to the compensation money was clearly a dispute which could be referred under Section 30 of the Act to the



Court. There is nothing in Section 30 which excludes a reference to the court of a dispute raised by a person on whom the title of the owner of the land has since the award, devolved.

* * *

26. The scheme of the Act reveals that the remedy of reference under Section 18 is intended to be available only to a "person interested". A person present either personally or through a representative or on whom a notice is served under Section 12(2) is obliged, subject to his specifying the test as to locus, to apply to the Collector within the time prescribed under Section 18(2) to make a reference to the court. The basis of title on which the reference would be sought for under Section 18 would obviously be a pre-existing title by reference to the date of the award. So is Section 29, which speaks of "persons interested". Finality to the award spoken of by Section 12(1) of the Act is between the Collector on one hand and the "persons interested" on the other hand and attaches to the issues relating to (i) the true area i.e. measurement of the land, (ii) the value of the land i.e. the quantum of compensation, and (iii) apportionment of the compensation among the "persons interested". The "persons interested" would be bound by the award without regard to the fact whether they have, respectively,



appeared before the Collector or not. The finality to the award spoken of by Section 29 is as between the "persons interested" inter se and is confined to the issue as to the correctness of the apportionment. Section 30 is not confined in its operation only to "persons interested". It would, therefore, be available for being invoked by the "persons interested" if they were neither present nor represented in proceedings before the Collector, nor were served with notice under Section 12(2) of the Act or when they claim on the basis of a title coming into existence post-award. The definition of "person interested" speaks of "an interest in compensation to be made". An interest coming into existence post-award gives rise to a claim in compensation which has already been determined. Such a person can also have recourse to Section 30. In any case, the dispute for which Section 30 can be invoked shall remain confined only (i) as to the apportionment of the amount of compensation or any part thereof, or (ii) as to the persons to whom the amount of compensation (already determined) or any part thereof is payable. The State claiming on the basis of a pre-existing right would not be a "person interested", as already pointed out hereinabove and on account of its right being pre-existing, the State, in such a case, would not be entitled to invoke either Section 18 or Section 30 seeking determination of its



alleged pre-existing right. A right accrued or devolved post-award may be determined in a reference under Section 30 depending on Collector's discretion to show indulgence, without any bar as to limitation. Alternatively, such a right may be left open by the Collector to be adjudicated upon in any independent legal proceedings. This view is just, sound and logical as a title post-award could not have been canvassed up to the date of the award and should also not be left without remedy by denying access to Section 30. Viewed from this angle, Sections 18 and 30 would not overlap and would have fields to operate independent of each other.

* * *

33. The Collector acts as a representative of the State whilst holding proceedings under the Land Acquisition Act. In fact, he conducts the proceedings on behalf of the State. The award of the Collector is not the source of the right to compensation; it is the pre-existing right which is recognised by the Collector and guided by the findings arrived at in determining the objections, if any, the Collector quantifies the amount of compensation to be placed as an offer of the appropriate Government to the owner recognised by the State. The offeree may accept or decline the offer. If he accepts the offer and the Government takes possession over the land, the title of the offeree is



extinguished and vests absolutely in the Government free from all encumbrances. The power to make an award under Section 11 and to make a reference under Section 18 or 30 of the Act is a statutory power. The sweep of jurisdiction of the court to determine the disputes is also statutory and is controlled by the bounds created by Section 17 or 30 whereunder the reference has been made to the court. The power has to be exercised to the extent to which it has been conferred by the statute and on availability of pre-existing conditions on the availability of which and which alone the power can be exercised.

34. The award made by the Collector is final and conclusive as between the Collector and the "persons interested", whether they have appeared before the Collector or not, on two issues: (i) as to true area i.e. measurement of land acquired, (ii) as to value of the land i.e. the amount of compensation, and (iii) as to the apportionment of the compensation among the "persons interested" again, between the Collector and the "persons interested" and not as amongst the "persons interested" inter se. In the event of a reference having been sought for under Section 18, the Collector's award on these issues; if varied by the civil court, shall stand superseded to that extent. The scheme of the Act does not attach a similar finality to the award of the Collector on the issue as to the



person to whom compensation is payable; in spite of the award by the Collector and even on failure to seek reference, such issue has been left available to be adjudicated upon by any competent forum."

(emphasis in original)"

11. Reverting to the facts of the present case in the light of the law laid down by the Hon'ble Supreme Court in **Vinod Kumar** (supra), it is quite vivid that the statutory scheme governing disbursement of compensation clearly contemplates that where any dispute arises either with regard to apportionment or as to the person entitled to receive the compensation, such dispute is to be resolved by the mechanism provided under the statute itself. The Hon'ble Supreme Court has categorically held that disputes relating to entitlement for compensation or its apportionment are not to be adjudicated in writ jurisdiction at the first instance, and the parties are required to approach the authority/forum designated under the statute for such adjudication.
12. In the present case, although learned counsel for the petitioner has strenuously urged that there is no subsisting dispute inasmuch as the petitioner's name has already been mutated in the revenue records on the basis of a Tabadalanama and the order passed by the Tahsildar, this Court cannot lose sight of the fact that initially the notification reflected the name of another person, namely Prem Bai, and the grievance raised by the



petitioner essentially pertains to recognition of his entitlement to receive compensation in place of the said person. Such a situation, prima facie, gives rise to an issue relatable to determination of the rightful claimant of compensation, which falls within the domain of the Competent Authority under the Act of 1956.

13. In view of the aforesaid, this Court is of the considered opinion that even if the petitioner's claim is based on subsequent correction of revenue records and mutation entries, the appropriate course would be to have the issue of entitlement conclusively examined by the Competent Authority in accordance with the provisions of the Act of 1956, rather than adjudicating the same in exercise of writ jurisdiction. This approach would also be in consonance with the ratio laid down by the Hon'ble Supreme Court in ***Vinod Kumar*** (supra), which emphasizes adherence to the statutory mechanism for resolution of such disputes.
14. Accordingly, considering the matter in its entirety, this Court deems it appropriate to relegate the petitioner to the Competent Authority under the National Highways Act, 1956. The Competent Authority is directed to issue notices to all concerned parties, afford them adequate opportunity of hearing, and thereafter consider and decide the claim of the petitioner with regard to disbursement of compensation strictly in accordance with law. Since the matter pertains to payment of compensation for



acquired land and has already been pending for a considerable period of time, it is further directed that the Competent Authority shall make all endeavours to conclude the proceedings expeditiously, preferably within a period of three months from the date of receipt of a certified copy of this order.

15. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner, and all issues are left open to be adjudicated by the Competent Authority in accordance with law.
16. With the aforesaid observations and directions, the instant petition stands **disposed of**.
17. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge