



2026:CGHC:3555



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPC No. 274 of 2026

Mohani Vishvas D/o Late Jitendra Mandal, W/o Anant Vishvas Aged About 65 Years  
R/o Village - Chathirma, P/s Gandhinagar, Tehsil - Ambikapur, Distt. - Surguja (C.G.)

... **Petitioner**

### **versus**

**1** - The National Highway Authority Of India, Through Chairman, G5, G6 Sector 10, Dwarka, New Delhi – 110075

**2** - The Regional Manager National Highway Authority Of India, Plot No. 159, Bunglow No. 1, Shubhankar Apartments, Ramnager, Ambazari Hilltop, Nagpur 44033, Maharashtra

**3** - Project Director National Highway Authority Of India, House No. 5196, Behind B T I T College, Shankar Nagar, Raipur 492007

**4** - Project Director National Highway Authority Of India, D-61, HIG - I (Akash, Abhilasha Parisar), Behind Hightech Bus Stand, Tifra, Bilaspur (C.G.)

**5** - The Divisional Commissioner (Revenue) Surguja Division Ambikapur, Distt. - Surguja (C.G.)

**6** - Competent Authority (Under NHAI/ Sub-Divisional Magistrate (Revenue) Ambikapur, Distt. - Surguja (C.G.)

**7** - Jagannath Mandal S/o Late Jitendra Mandal Aged About 67 Years R/o Village - Chathirma, P/s Gandinagar, Tehsil - Ambikapur, Distt. - Surguja (C.G.)

... **Respondents**

|                             |   |                                 |
|-----------------------------|---|---------------------------------|
| For Petitioner              | : | Mr. Rahul Mishra, Advocate      |
| For Respondents 1 to 4      | : | Mr. Dhiraj Wankhede, Advocate   |
| For Respondents 5 & 6/State | : | Mr. Vivek Verma, Govt. Advocate |
| For Respondent No.7         | : | Mr. Sanjay Pathak, Advocate     |

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

**Order on Board**

**21.01.2026**



1. The petitioner has preferred this writ petition under Article 226 of the Constitution of India, seeking following relief(s):-

10.1 This Hon'ble Court may kindly be pleased to direct the respondent no. 6 to refer the matter before the Principal Civil Court having jurisdiction under Section 3(H)(4) of National Highway Act.

10.2 This Hon'ble Court may kindly be pleased to direct the respondent no. 6 not to disburse the awarded amount in favour of respondent no. 7 till the decision of apportionment dispute by the competent Civil Court having jurisdiction, accordance with law.

10.3 This Hon'ble Court may kindly be pleased to pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity.

2. Learned counsel for the petitioner submits that the petitioner and respondent No.7 belongs to same family. Land of the original owner Surendra Mandal, who died issueless was acquired by the National Highway authority and compensation has been determined in favour of respondent No.7 Jagannath Mandal, as after the death of Surendra Mandal, he has got illegally mutated said land in his name. Thus, there is title dispute between the petitioner and respondent No.7. This issue was raised before Sub Divisional Officer (Revenue), Ambikapur by the petitioner vide Annexure-P/2 along with a prayer that until resolving the dispute, amount of compensation be not disbursed. Despite that the SDO (R) has not referred the matter to the Principal Civil Court, who is the competent authority to decide such issue under Section 3H(4) of the National Highways Act, 1956 (for short 'the Act 1956'). Learned counsel further submits that the petitioner has filed application under Section 3H(4) of the Act 1956, before Sub Divisional Officer (Revenue), Ambikapur, Distt. Surguja to refer the case as per aforesaid provision, hence, he prays that this petition may be disposed of directing respondent No.6 to refer the dispute/case of the petitioner to the concerned



Principal Civil Court, as provided in the aforesaid provision.

3. Learned counsel for the respondents have no objection on aforesaid prayer of the petitioner.

4. Section 3H(4) of the National Highways Act, 1956 provides as under:-

“(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

5. Having considered the contention of learned counsel for the petitioner, if there is any dispute with regard to disbursement of amount of compensation between the family members, then such dispute ought to have been referred to Principal civil Court of original jurisdiction as has been provided under Section 3H(4) of the Act 1956. Having considered the aforesaid provision and the limited prayer of the petitioner, this petition is disposed of directing respondent No.6 to act as per Section 3H(4) of the Act 1956. However, it is further made clear that till then, no disbursement of amount of compensation be made.

6. With aforesaid observation and direction, this petition stands disposed of. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

**(Naresh Kumar Chandravanshi)**

**Judge**