



2026:CGHC:18289-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 316 of 2026**

Jagannath Mandal S/o Late Jitendra Mandal Aged About 71 Years R/o Village - Chathirma P.S. Gandinagar Tehsil- Ambikapur District- Surguja (C.G.) (Despondent No 7)

... Appellant**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 Nhail/ Sub-Divisional Magistrate (Revenue) Ambikapur, Distt. - Surguja (C.G.) (Respondent No. 1 To 6

7 - Mohani Vishvas D/o Late Jitendra Mandal W/o Anant Vishvas Aged About 65 Years R/o Village Chathirma Ps Gandhinagar Tehsil- Ambikapur District- Surguja (C.G.) (Petitioner)

... Respondents

 For Appellant : Mr. Aman Upadhyay, Advocate
 For Respondent Nos.1 to 4/NHAI : Mr. Dhiraj Wankhede, Advocate
 For Respondent Nos.5&6/State : Mr. Shashank Thakur, Additional
 Advocate General
 For Respondent No.7 : Mr. Rahul Mishra, Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Judgment on Board



Per Ramesh Sinha, Chief Justice

22.04.2026

1. Heard Mr. Aman Upadhyay, learned counsel for the appellant. Also heard Mr. Dhiraj Wankhede, learned counsel, appearing for the UOI / respondent Nos. 1 to 4, Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/respondent Nos. 5 & 6 and Mr. Rahul Mishra, learned counsel, appearing for respondent No.7.
2. This writ appeal is presented against the impugned order dated 21.01.2026 passed by the learned Single Judge in WPC No.274 of 2026 (***Mohani Vishvas vs. The National Highway Authority of India & others***), whereby, the writ petition filed by writ petitioner / respondent No.7 herein has been disposed of by the learned Single Judge.
3. The brief facts necessary for disposal of this appeal are that the Petitioner/Respondent No.7 herein had filed the writ petition being WPC No. 274/2026 seeking following reliefs:-

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."

4. It was submitted by the Petitioner that a lease of the disputed land acquired by the Respondent/NHAI was issued in favour of the late Surendra Mandal. It was further alleged that the Respondent No.7 (Appellant herein) had got the land mutated in his name in revenue records without knowledge of the Petitioner and after acquisition, the award acquisition has been issued in name of Respondent No.7 (Appellant herein). The Petitioner had made an objection before the Respondent No. 6 Competent Authority under NHAI which was not considered and therefore she filed the said writ petition seeking direction to the Respondent No.6 to refer the matter to the Principal Civil Court under section 3H(4) of National Highways Act, 1956 to resolve the dispute as to the apportionment. The learned Single Judge by passing the impugned order dated 21.01.2026 disposed of the said writ petition with direction to the Respondent No. 6 to refer the matter to the Principal Civil Court under Section 3H(4) of the National Highways Act, 1956 and further directed to the Respondent No.6 not to disburse the amount of award of compensation against acquisition of land till decision of the Principal Civil Court. Hence this Appeal has been filed by the Appellant (Respondent No.7



therein).

5. Learned counsel for the appellant submits that the impugned order dated 21.01.2026 passed in WPC No. 274 of 2026 suffers from a patent error of law, as the learned Single Judge has incorrectly invoked Section 3H(4) of the National Highways Act, 1956 while ignoring the scheme of the provision in its entirety. It is contended that Section 3H(3) clearly mandates that in cases where multiple claimants assert entitlement to compensation, the competent authority itself is required to determine the rightful recipients and apportionment. He further submitted that in the present case, the competent authority (Respondent No.6) has already adjudicated the objection raised by the petitioner and rejected the same vide order dated 20.01.2026. Therefore, no occasion arises for making a reference to the Principal Civil Court under Section 3H(4), and the direction issued by the learned Single Bench amounts to a misuse of the legal process. It is further submitted that the petitioner has suppressed material facts regarding the ownership and title of the disputed land bearing Khasra Nos. 328 and 333 situated in Village Chathirama. The appellant derives lawful title through a registered will dated 16.06.2008 executed by Smt. Amela Mandal, whose name was duly recorded after the death of her husband, the original lessee. Upon her demise, the appellant's name was mutated in the revenue records by a valid order dated 27.08.2013 passed by the competent authority, thereby establishing him as the sole owner



without any competing claim from family members. The acquisition proceedings for the said land were carried out strictly in accordance with the applicable statutory provisions, culminating in an award dated 24.03.2023 determining compensation. Learned counsel emphasizes that while the appellant has already received part of the awarded compensation, a substantial amount remains withheld solely due to the petitioner's untenable objections and the impugned order. The appellant, being 71 years of age and in need of funds for medical and daily expenses, is facing undue hardship. It is thus argued that no case under Section 3H(4) is made out in favour of the petitioner, and the impugned order deserves to be set aside to enable release of the rightful compensation to the appellant.

6. On the other hand, learned counsel appearing for Respondent No.7 opposes the aforesaid submission and submits that the impugned order dated 21.01.2026 passed by the learned Single Bench is well reasoned and does not call for any interference. It is contended that the dispute in the present case is not merely procedural but pertains to competing claims over the entitlement to receive compensation arising out of the acquired land. In such circumstances, the invocation of Section 3H(4) of the National Highways Act, 1956 is fully justified, as the provision specifically contemplates a situation where a dispute as to apportionment or entitlement cannot be conclusively resolved by the competent authority. The direction to refer the matter to the Principal Civil



Court ensures a fair and adjudicatory determination of rights between the parties. It is further submitted that the so-called rejection order dated 20.01.2026 passed by the competent authority does not attain finality in resolving the dispute of title, particularly when serious questions have been raised regarding the validity of the alleged will dated 16.06.2008 and the subsequent mutation in favour of the appellant. Mutation entries do not confer title, and the claim of exclusive ownership set up by the appellant is itself under cloud. The petitioner (Respondent No.7 herein) has a legitimate claim over the disputed land, and the same cannot be summarily brushed aside by an administrative authority without proper adjudication by a competent civil court. He further submits that there has been no suppression of material facts on the part of Respondent No.7; rather, the appellant has attempted to secure the entire compensation amount by relying upon disputed documents. In view of the subsisting dispute regarding entitlement, the learned Single Bench has rightly exercised jurisdiction to prevent wrongful disbursement of compensation. It is thus prayed that the appeal being devoid of merit deserves to be dismissed, and the direction for reference under Section 3H(4) be upheld in the interest of justice.

7. Learned counsel appearing for respondent Nos. 1 to 4/NHAI submits that the issue involved in the present case is no longer res integra, having already been settled by the Hon'ble Supreme



Court in ***Vinod Kumar and Others vs. District Magistrate***, reported in ***(2023) 19 SCC 126***. It is submitted that in the said judgment, the Hon'ble Supreme Court has clearly held that where there exists a dispute regarding entitlement or apportionment of compensation under the National Highways Act, 1956, the competent authority is required to act in accordance with Section 3H, and in appropriate cases, where rival claims raise questions of title or require adjudication beyond administrative determination, the matter ought to be referred to the competent civil court under Section 3H(4) for proper adjudication. The Court has further emphasized that the mechanism under the Act ensures that the acquiring authority does not itself undertake adjudication of complex title disputes, which must be left to the civil court. Relying upon the aforesaid principle, learned counsel submits that in the present case also, there exists a clear inter se dispute regarding entitlement over the compensation amount, and therefore the learned Single Judge has rightly directed reference of the matter in terms of Section 3H(4) of the Act. It is contended that the impugned order is fully in consonance with the law laid down by the Hon'ble Supreme Court, and no interference is warranted as the direction only facilitates proper adjudication of rival claims by the competent civil court.

8. We have heard rival submissions advanced by learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.



9. The principal challenge in the present appeal is to the order dated 21.01.2026 passed by the learned Single Bench in WPC No. 274 of 2026, whereby a direction has been issued for reference of the dispute under Section 3H(4) of the National Highways Act, 1956. The appellant assails the said direction primarily on the ground that the competent authority had already adjudicated the objection and rejected the claim of the petitioner, and therefore no occasion survived for invoking Section 3H(4) of the Act.
10. Having considered the rival submissions, this Court finds no merit in the appeal. The scheme of Section 3H of the National Highways Act, 1956 clearly contemplates that while the competent authority may determine prima facie entitlement under Section 3H(3), in cases where serious disputes regarding entitlement or competing claims arise, particularly involving questions of title, the proper course is to refer the parties to the civil court under Section 3H(4). The said legal position has been authoritatively settled by the Hon'ble Supreme Court in ***Vinod Kumar and Others*** (supra), wherein it has been categorically held that complex disputes relating to entitlement of compensation cannot be finally adjudicated by the acquiring authority and must be left to determination by the competent civil court.
11. In the present case, admittedly there exist rival claims over entitlement to compensation arising out of the acquired land, with assertions based on competing documents including a will and subsequent mutation entries. These issues clearly involve



disputed questions of title which cannot be conclusively adjudicated in writ proceedings or by the competent authority. The learned Single Judge, therefore, has rightly applied the statutory scheme in its correct perspective and directed reference under Section 3H(4) to ensure an appropriate adjudication by the competent civil court. The contention that the earlier rejection order of the competent authority forecloses such reference is untenable in view of the binding nature of the law laid down in ***Vinod Kumar*** (supra), which clarifies that administrative determination cannot override the necessity of judicial adjudication in case of genuine disputes.

12. In view of the aforesaid legal position and the facts of the case, this Court is of the considered opinion that the impugned order does not suffer from any legal infirmity or jurisdictional error warranting interference.
13. The appeal is devoid of merit and is accordingly **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice