



CGHC010391012026



2026:CGHC:42785

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5052 of 2026

National Highways Authority Of India Through Project Director, Project Implementation Unit- Bilaspur, District Bilaspur, Chhattisgarh

--- **Petitioner(s)**

versus

1 - Irshad Hassan S/o Kaji Maqsood Hassan R/o Village Jurali, Tehsil Podi Uparoda, District Korba Chhattisgarh

2 - State Of Chhattisgarh Through Sub- Divisional Officer (Revenue)/ Competent Authority For Land Acquisition, Katghora, District Korba, Chhattisgarh

... **Respondent(s)**

(Cause title taken from CIS System)

For Petitioner : Mr. Dhiraj Kumar Wankhede, Advocate
For State : Mr. Praveen Das, Additional A.G.
Respondent No. 1 in : Mr. Irshad Hassan
person

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

01.10.2026

1. The petitioner has filed this petition with the following reliefs:-

“ 10.1 The Hon'ble Court may kindly be pleased to call for the entire records leading to passing of the impugned order dated 07.09.2026 in MJC (Civil) No. 169/2026 passed by Learned 2nd District Judge, Korba, District Korba, Chhattisgarh and impugned order dated 09.09.2026 passed by the Learned

Arbitrator-cum-Commissioner, Bilaspur, for the kind perusal of this Hon'ble Court.

10.2 The Hon'ble Court may further kindly be pleased to quash the impugned order dated 07.09.2026 in MJC (Civil) No. 169 / 2026 passed by Learned 2nd District Judge, Korba, District Korba, Chhattisgarh;

10.3 The Hon'ble Court may further kindly be pleased to quash the impugned order dated 09.09.2026 passed by the Learned Arbitrator-cum-Commissioner, Bilaspur.

10.4 Cost of the petition may also be granted to the petitioner.

10.5 Any other relief which this Hon'ble Court deems fit and proper may also kindly be granted to the petitioner, in the interest of justice.”

2. Learned counsel for the petitioner submits that although an alternative remedy is available under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, “the Act of 1996”) against the order dated 04.04.2025 and 09.09.2026 passed by Arbitrator-cum-Commissioner, Bilaspur, before the Principal District Judge, Korba, District- Korba (C.G.), the petitioner could not avail the same as he had applied for certified copies of both the orders passed against him. However, the certified copies could not be obtained due to the insufficiency of the stock of court-fee tickets.
3. When the matter was enquired into, learned counsel appearing for the State submits that the court-fee tickets have become available today itself and that the certified copies of the orders

would be supplied by next week or on an earlier date. He further submits that the petitioner may obtain the certified copies of the orders within 03 or 04 working days.

4. Having considered the aforesaid aspect of the matter and further taking into consideration the fact that the order has been passed in favour of the respondent, who is creating hindrance in the official duties of the concerned respondent authorities, the present petition is disposed of with a direction to the petitioner to obtain the certified copies at the earliest and thereafter approach the concerned authority in accordance with law. The petitioner submits that he shall file an appropriate petition before the concerned District Court having jurisdiction over the matter within a period of 07 days from the date of receipt of a certified copy of orders dated 07.09.2026 and 09.09.2026.
5. In light of the aforesaid aspect of the matter, the effect and operation of the order dated 07.09.2026 passed by the learned Second District Judge, Korba, District Korba (C.G.), shall remain stayed for a period of 07 days from the date of receipt of a copy of this order, within which period the petitioner shall file an appropriate petition. Since the caveator/Respondent No. 1 is already present before this Court, he may also appear before the concerned District Court where the petitioner is going to file an arbitration appeal under Section 34 of the Arbitration and Conciliation Act, 1996, against the order dated 09.09.2026 passed by the learned Arbitrator-cum-Commissioner, Bilaspur.

6. Since the petitioner has further appeared and is willing to argue the matter, which could not be argued as the matter does not pertain to be heard by this Court, this order is being passed only for the limited period stated hereinabove.
7. The respondent No. 1 may also file a caveat before the concerned District Court and in that event, notice would not be required. The concerned District Court shall be at liberty to pass appropriate orders on the application for interim stay filed by the petitioner.
8. Till the said date, when the petitioner's application for interim stay is decided, no coercive steps shall be taken against the petitioner. The concerned Court is directed to decide the application for interim stay within some short period preferably **within a period of 15 days** from the receipt of such application. The petitioner is also directed to file appeal within 15 days from the date of receipt of certified copy of the orders.
9. With the aforesaid observations and directions, the petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)

Judge