



CGHC010250292020



2026:CGHC:39170
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2668 of 2020

1 - R. K. Organic Chemicals A Partnership Firm Through Its Partner Shri Mahesh Nachrani, Son Of Late Radha Kishan, Aged About 41 Years, Resident Of Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur., District : Raipur, Chhattisgarh

2 - Bhavika Nachrani W/o Shri Mahesh Nachrani Aged About 37 Years R/o Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - Sarla Devi W/o Radha Kishan Aged About 67 Years R/o Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - Kashish Nachrani W/o Shankar Nachrani Aged About 41 Years R/o Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

--- Petitioner(s)

versus

1 - Union Of India Through Secretary, Ministry Of Road, New Delhi., District : New Delhi, Delhi

2 - National Highway Authority Of India (Nhai) Through Its Chairman, Nhai Headquarter, G 5 And 6, Sector -10, Dwarka, New Delhi - 110075., District : New Delhi, Delhi

3 - State Of Chhattisgarh Through Its Secretary, General Administration Department, Secretariat, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur., District : Raipur, Chhattisgarh

4 - The Collector District Raipur., District : Raipur, Chhattisgarh

5 - The Sub Divisional Officer District Raipur., District : Raipur, Chhattisgarh

6 - Department Of Revenue Through Secretary, Mahanadi Bhawan, Nava Raipur Atal Nagar, Raipur, Chhattisgarh

--- Respondent(s)

WPC No. 2687 of 2020

1 - M/s Shri Siddhi Vinayak Enterprises A Partnership Firm Through Its Parnter Shri Mahesh Nachrani, Son Of Late Radha Kishan, Aged About 41 Years, Resident Of Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur., District : Raipur, Chhattisgarh

2 - Sarla Devi W/o Radha Kishan Aged About 67 Years R/o Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - Smt. Kashish Nachrani W/o Shankar Nachrani Aged About 41 Years R/o Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - Smt. Bhavika Nachrani W/o Shri Mahesh Nachrani Aged About 37 Years R/o Sameer Villas, Panchsheel Nagar, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---Petitioner(s)

Versus

1 - Union Of India Through Secretary, Ministry Of Road, New Delhi., District : New Delhi, Delhi

2 - National Highway Authority Of India (Nhai) Through Its Chairman, Nhai Headquarter, G 5 And 6, Sector - 10, Dwarka, New Delhi - 110075., District : New Delhi, Delhi

3 - State Of Chhattisgarh Through Its Secretary, General Administration Department, Secretariat, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur., District : Raipur, Chhattisgarh

4 - The Collector District Raipur., District : Raipur, Chhattisgarh

5 - The Sub Divisional Officer District Raipur., District : Raipur, Chhattisgarh

6 - Department Of Revenue Through Secretary, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh. (As Per Honble Court Order Dated- 10-12-2025)

--- Respondent(s)

WPC No. 2935 of 2020

1 - Smt. Kashish Nachrani W/o Shankar Nachrani Aged About 41 Years Resident Of Sameer Villas, Panchsheel Nagar , Raipur , Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Smt. Bhavika Nachrani W/o Shri Mahesh Nachrani Aged About 37 Years Resident Of Sameer Villas, Panchsheel Nagar , Raipur , Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---**Petitioner(s)**

Versus

1 - Union Of India Through Secretary, Ministry Of Road New Delhi., District : New Delhi, Delhi

2 - National Highway Authority Of India (Nhai) Through Its Chairman , Nhai Headquarter, G5 And 6, Sector 10, Dwarka , New Delhi 110075, District : New Delhi, Delhi

3 - State Of Chhattisgarh Through Its Secretary, General Administration Department , Secretariat Mahanadi Bhawan, Capital Complex , Naya Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - The Collector District Raipur

5 - The Sub Divisional Officer District Raipur

6 - Department Of Revenue Through- Secretary, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, Chhattisgarh,

--- **Respondents**

(Cause title is downloaded from CIS Periphery.)

For Petitioners	: Mr. Sameer Uraon, Advocate on behalf of Mr. B.P. Sharma, Advocate
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For State	: Mr. Rajkumar Gupta, Addl. A.G.
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For Respondent Nos. 1 & 2:	Mr. Gary Mukhopadhyay, Advocate
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SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

07.09.2026

1. All these captioned writ petitions share a common background and involve the same issues, therefore, they were clubbed, heard together and are disposed of by this common order.
2. For the sake of convenience, Writ Petition (C) No.2668 of 2020 is treated as the lead case for the purpose of disposing all the writ petitions. The petitioners in the said writ petition have prayed for the following reliefs :-

10.1 A writ and/ or an order in the nature of appropriate writ do issue calling for the records and in particular direction dated 10.4.2017 reliance on which has been placed for determining compensation and other relevant records from the respondent authorities concerned for perusal of this Hon'ble Court, if thinks fit, and for doing justice with the parties being contrary to Constitution of India and in particular Article 14 & 31A of the Constitution, in the facts & circumstances of case.

10.2 A writ and/or an order in the nature of writ of certiorari do issue quashing the impugned award SO far as it relates to determination of compensation applying different yardsticks consequently conferring lesser benefits than the other cultivators and in effect grant compensation

making provision for conferring similar benefits beneficial to the petitioners and in the facts and circumstances of the case.

10.3 A writ and/ or an order in the nature of appropriate writ do issue directing the respondent authorities to award.

10.4 Cost of the proceedings.

10.5 Any other writs and directions that may be deemed fit and just in the facts and circumstances of the case.

3. Learned counsel appearing for the petitioners submits that the respondents issued a notification under the provisions of the National Highways Act, 1956 (hereinafter referred to as “the Act of 1956”), pursuant to which the final award came to be passed on 21.12.2019. It is further submitted that, while passing the said award, the respondent authorities failed to discharge their statutory obligations in terms of Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the Act of 2013”), read with the First Schedule thereto, which provides for determination and application of the appropriate multiplication factor for the purpose of computation of compensation. Learned counsel further submits that the final award, in terms of the provisions of the Act of 2013, is required to take into consideration the essential components for

determination of compensation, namely: (i) the market value of the land; (ii) the applicable rate of interest; (iii) the appropriate multiplication factor; and (iv) solatium. It is contended that in the instant case, the respondent authorities failed to apply the multiplication factor of two (2) as prescribed under the notification dated 02.05.2019, while determining the compensation payable to the petitioners. Consequently, the award dated 21.12.2019 is alleged to have been passed without taking into consideration the applicable statutory multiplication factor, thereby resulting in determination of compensation contrary to the provisions of the Act of 2013.

4. Learned counsel appearing for the respondent- NHAI at the outset submits that the petitioner has an efficacious alternative remedy available under Section 3G(5) of the National Highways Act, 1956 to redress his grievance.
5. Learned counsel for the petitioners in view of the availability of an alternative remedy under Section 3G(5) of the National Highways Act, 1956, submits that he may be permitted to avail the said remedy in accordance with law.
6. In a case with similar background, this Court in **WA No.140 of 2022 and other connected matters** while disposing the said appeal on 10.12.2024 took notice of the following questions posed by this Court in **WA No.07/2019 and other connected**

matters {Ashutosh Agrawal and Another vs. Union of India and Others}:-

(f) If there is patent arbitrariness in the 'decision making process' and the decision taken, should the party be relegated to the remedy by way of Arbitration and whether the course pursued by the learned Single Judge declining to interfere under Article 226 of the Constitution of India can be justified; more so, where there is no disputed question of fact ?

(g) Is the alternate remedy a bar of law, or rule of convenience ?"

The Division Bench of this Court in para 17 held as under:-

17. *After hearing both the sides and also in view of the precedents cited from both the sides, we do not have any doubt to hold that power of this Court under Article 226 of the Constitution of India, which is even wider of the power of the Apex Court under Article 32 cannot be curtailed by any statute. The existence of alternate remedy is more a 'rule of convenience' and the parties would be relegated to pursue such remedy, under normal circumstances. But if special circumstances are involved or whether the proceeding under challenge is per se*

arbitrary and illegal or if it has resulted in total miscarriage of justice, the discretionary power vested in this Court to have the matter considered under Article 226 is always there, to be invoked. In view of the particular nature of challenge raised and the factual position demonstrated by the Appellants, resulting in payment of higher compensation to an adjoining / identical property having a lesser extent/area while awarding only a lower amount to the Appellants (merely for the reason that the property involved is having a higher extent) cannot but be held as an arbitrary exercise and we find it appropriate to have it considered by this Court. The question is answered in favour of the Appellants and against the Respondents.”

7. The Division Bench of this Court in WA No.140 of 2022 held that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error warranting interference by this Court as even otherwise, learned Single Judge has observed that subject to the petitioners approaching the Arbitrator appointed by the Central Govt. in this regard within a period of 30 days from the date of receipt of copy of this order, the Arbitrator notified shall proceed and decide the matter objectively after due consideration of the claim of petitioners and the grounds raised

by them seeking for quashment of the award to the extent of the compensation quantified and the multiplier factor taken into consideration for computation of compensation.

8. In view of the submissions made by the parties and the findings arrived at by the Division Bench of this Court, the present writ petition is **disposed of** with a direction to the petitioners to approach the Arbitrator appointed by the Central Government in this regard as per Section 3G(5) of the National Highways Act, 1956 within a period of 30 days from the date of receipt of a copy of this order and the Arbitrator notified shall proceed and decide the matter objectively after due consideration of the claim of petitioners and the grounds raised by her seeking for quashment of the award to the extent of the compensation quantified and the multiplier factor to be taken into consideration for computation of compensation. The said exercise be done by the Arbitrator **within a period of 6 months** from the date the petitioners makes their appearance before him/her.
9. It is made clear that this Court has not expressed any opinion on the merits of the case. In the event the petitioners avails the aforesaid remedy, the competent authority/Arbitrator shall consider and decide the matter strictly in accordance with law.

SD/-

(Amitendra Kishore Prasad)
Judge