

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2253 of 2018

1. Smt. Guddi Singh W/o Gokul Singh Aged About 46 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Ramesh Patel S/o Rati Ram Patel Aged About 44 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Kheek Ram S/o Bhdhu Ram Palel Aged About 67 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh.
4. Net Ram S/o Jodhi Ram Patel Aged About 42 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Anand Ram Patel S/o Jodhi Ram Aged About 42 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
6. Saheb Lal Patel S/o Natthu Ram Aged About 62 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
7. Thanda Ram Patel S/o Bhondhu Ram Patel Aged About 79 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
8. Shiv Gopal Sahu S/o Budhram Sahu Aged About 55 Years R/o Village Hathnewra , Tahsil And Police Station Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue , Mantralaya Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector , District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Competent Authority (National Highway) Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Union Of India , Through Secretary, Ministry Of Road, Transport And National Highways, New Delhi (India), District : New Delhi, Delhi

5. National Highways Authority Of India , Through Chief Engineer,
Public Works Department National Road Area, Raipur District
Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioners	: Shri Govind Dewangan, Advocate
For Respondent/State	: Shri U.N.S.Deo, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order on Board by Manindra Mohan Shrivastava,J.

09/08/2018

Heard.

Counsel for the parties jointly submit that this petition can be disposed of in terms of order dated 18.07.2018 passed in W.P.C. No. 1961/2018 copy of which has been annexed as Annexure P-11 along with the petition. Accordingly we are inclined to dispose of this matter also on similar lines.

Grievance of the petitioners raised in the present writ application is that even though their land has been notified to be acquired for construction of a National Highway, when it comes down to payment of compensation for the said acquisition, for some strange reasons, the authorities are using the Notification of the State Government to apply a multiplier of one instead of two, which is the Notification of the Central Government.

After having had a look at Annexure-P/1, there cannot be any argument that in terms of Notification (Annexure-P/4), the multiplier of two will be required to be used for calculation of compensation to the landholders, if the acquisition is made for the purposes of the Central Government which includes construction of National Highways.

In the writ application, the necessary notification which has been issued on behalf of the National Highway Authority has been annexed. The land of the petitioners is for construction of the National Highway, therefore, the land acquisition authorities have an obligation to apply a multiplier of two in terms of the Notification No. S.O.425(E) dated 09.02.2016 i.e. Annexure-P/4.

Writ application is allowed with the above direction.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge