

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 221 of 2019

- Smt. Shakuntala Yadav, W/o Shri Gokul Prasad Yadav, Aged About 56 Years, R/o Near Aadinath Parisar, Ganga Nagar Phase-2, Mangla, Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Water Resources, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. The Collector, Bilaspur, District Bilaspur, Chhattisgarh
3. The Sub Divisional Officer (Revenue) / Land Acquisition Officer, Kota District Bilaspur, Chhattisgarh
4. The Executive Engineer, Water Resources Division Bilaspur, Chhattisgarh
5. Isak Mohammad S/o Late Jor Mohammad Aged About 56 Years R/o Village Kamitar, P.S. Kota, Tahsil Takhatpur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	Shri Vipin Tiwari, Advocate
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For Respondent-State	Shri H. S. Ahluwalia, Dy. AG
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Hon'ble Justice Mr. Goutam Bhaduri

Order On Board

28/01/2019

1. Learned counsel for the petitioner would submit that the petitioner's land has been acquired for Arpa Bhaisajhar Bairaj Project. However, while assessing compensation, multiplier of 1 has been used, whereas, the Division Bench of this Court in WPC No.1649 of 2017 (**Smt. Anita Agrawal Vs. State of**

Chhattisgarh and others) and other connected petitions, has set-aside the Notification dated 4.12.2014, applying multiplier factor of 1 with direction to the State Government to issue fresh Notification indicating the multiplier factors in terms of the guidelines laid down in the statute and the judgment of the Division Bench. Learned counsel would also submit that a similarly placed affected person i.e. the respondent No.5-Isak Mohammad has been provided rehabilitation amount but the same has not been offered to the petitioner.

2. The petitioner has further claimed a direction to the respondents to provide employment to one of her family members, however, for the present, she is not pressing the said relief, which may be permitted to be raised subsequently.
3. The petitioner is permitted to do so.
4. In **Smt. Anita Agrawal** (supra), the following has been held by the Division Bench in para 10, 11 & 12 :
 10. Further, the question is not about the power of the State Government to issue such notification, the question is the manner in which such power has been exercised which can also be levelled as mindless exercise of power since by restricting the multiplier of factor to 1.00, the State is obviously trying to treat all land owners as one. This will deny to the poor land owners of the remote villagers, fair compensation and rehabilitation, which is the primary object behind the new Land Acquisition Act of 2013.
 11. Drawing analogy from the view taken by the Division Bench of Bombay High Court, which we have quoted with due approval, Court is left with no option but to strike down the notification dated 04.12.2014 contained in Annexure P/1. A direction is issued that keeping in mind the legal position which emerges, the State Government will issue a fresh notification indicating the multiplier factors, in terms of the guidelines laid down in the statute

and the judgment.

12. It goes without saying that all awards and compensations in relation to not only these Petitioners but all such persons whose lands have been acquired and a multiplier of 1.00 has been used for calculating the compensation, the same will be required to be revised and revisited in light of the new notification, which is required to be notified by the State Government, on priority.”

5. In view of the above, the present writ petition is disposed of with direction that the petitioner shall move a representation before the concerned Collector (Land Acquisition)-respondent No.2 within a period of 4 weeks from today. Thereafter, the said Collector shall decide the representation within 10 weeks from the date of the State Government's fresh Notification in terms of the directions issued by the Division Bench.

6. The writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Nirala