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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 164 of 2019**

- Najiya Begam D/o Abdul Rahim Aged About 35 Years R/o Byron Bazar, Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue Mahanadi Bhavan, Atal Nagar, District Raipur, Chhattisgarh
2. Collector Raipur, District Raipur, Chhattisgarh
3. Land Acquisition Officer Cum Sub Divisional Officer (Revenue) Of Sub Division Arang/ Abhanpur, Head Office, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Petitioner	Mr. Harshwardhan Jaiswal, Advocate
For Respondent /State	Mr. Vikram Dixit, Government Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****21/1/2019**

1. Heard.
2. The petitioner's land has been acquired for construction of National Highway, however, while assessing compensation payable to the petitioner, multiplier factor of 1 has been applied, 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.

3. 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.”

4. In view of the above, the petitioner is permitted to make a representation before the concerned Collector (land acquisition) 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.
5. So far as the petitioner's contention about non-applicability of Notification dated 4.1.2017 is concerned, whereby, the State Government has directed that in case of land acquisition for linear projects, each affected land holder shall be paid the amount as rehabilitation grant in addition to the amount of compensation, which shall be equal to 50% of the compensation amount subject to maximum limit of Rs.5.00 lakhs, since the petitioner has not been given benefit of this Notification, the representation to be filed by the petitioner may also raise this ground, which shall also be dealt with by the concerned Collector in accordance with the Gazette Notification dated 4.1.2017.

6. The writ petition is disposed of. Sd/-

(Prashant Kumar Mishra)

Judge

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