

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 231 of 2019

- Chandrika Prasad Kashyap, S/o Late Shri Dukharam Kashyap, Aged About 80 Years, R/o Village Pand, Tahsil Takhatpur, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
3. Chief Engineer, Public Works Department (National Highway Division), Raipur, District Raipur Chhattisgarh
4. Executive Engineer, Public Works Department, National Highway Division, Bilaspur, District Bilaspur Chhattisgarh
5. Sub Divisional Officer (Revenue)/Competent Authority (National Highway) Bilaspur, District Bilaspur Chhattisgarh
6. Collector, District Bilaspur, Chhattisgarh
7. Union Of India, Through Secretary, Ministry of Road, Transport and Highways, New Delhi

---- Respondents

For Petitioner	Shri Akhtar Hussain, Advocate
For Respondent-UOI	Shri K. G. Yadav, Advocate on behalf of Shri B. Gopa Kumar, ASG
For Respondent-State	Shri Rajesh Singh, Dy. GA

Hon'ble Justice Mr. Goutam Bhaduri

Order On Board

28/01/2019

1. The petitioner's land situated at Village Pand, Tehsil Takhatpur, District Bilaspur has been acquired for construction of Bilaspur-Ratanpur Bypass Road.
2. 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 present writ petition is disposed of with direction that the concerned Collector (Land Acquisition)-respondent No.6 shall decide the petitioner's pending representation within 10 weeks from the date of the State Government's fresh Notification in terms of the directions issued by the Division Bench. In case, the earlier representation is not available on record, the petitioner may further file a fresh representation within a period of 4 weeks from today and thereafter the Collector shall decide the representation within the above said period of 10 weeks from the date of filing of representation.
5. The writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Nirala