

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.327 of 2019

Umesh Kumar Kaushik, S/o Chintamani Kaushik, aged about 32 years, R/o Village Pand, Tahsil Takhatpur, District Bilaspur (C.G.)

---- Petitioner

Versus

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

---- Respondents

For Petitioner

Shri S. Majid Ali, Advocate

For Respondent-UI

Shri B. Gopa Kumar, ASG

For Respondent-State

Shri Rajesh Singh, Dy. GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

04/02/2019

1. Petitioner is permitted to implead NHA as party respondent during the course of the day.
2. Learned counsel for the petitioner would submit that the petitioner's land has been acquired for Bilaspur-Ratanpur Bypass Road. 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 04.12.2014, 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. In **Smt. Anita Agrawal** (supra), the following has been held by the Division Bench in paras 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 petitioner shall move 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. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge

Nirala