

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 353 of 2019

- M/s Mangalam Construction, A Partnership Firm registered under the Partnership Act Having Its Office At Main Road, Vidya Nagar, Bilaspur Chhattisgarh, Through Its Partner Manoj Beriwal, S/o Shri Sitaram Beriwal, Aged About 45 Years

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan Naya Raipur
2. Collector- Cum-Officiating Dy. Secretary, Bilaspur (Appropriate Government In Land Acquisition Matters On Behalf Of The State Government), Bilaspur, District Bilaspur, Chhattisgarh
3. Sub-Divisional Officer-cum-Land Acquisition Officer, Kota (Officiating Collector in Land Acquisition Matters appointed by the Appropriate Government), Kota, District Bilaspur, Chhattisgarh
4. Executive Engineer, Water Resources Department, Kota, District Bilaspur Chhattisgarh (Arpa Bhaiasajhar Bairaj Pariyojana)
5. Additional Collector, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Harsh Wardhan, Advocate
Shri Sudeep Verma, Dy. GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

05/02/2019

1. 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.

2. 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.”

3. 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.

4. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge

Nirala