

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 411 of 2019**

1. Makhan Lal S/o Fulchand Yadav, Aged About 48 Years, R/o Village Nirtu, Tahsil Takhatpur, P.S. Koni, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. National Highway Authority Of India Ltd., Through: Project Director, Bilaspur Unit Abhilasha Parisar, New Bus Stand, Bilaspur, District- Bilaspur, Chhattisgarh.
2. State Of Chhattisgarh, Through: The Collector, Bilaspur, District Bilaspur, Chhattisgarh.
3. The Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue), Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh.

---- Respondent**WPC No. 413 of 2019**

1. Mukeshwar, S/o Late Shri Santuram, Aged About 40 Years, R/o Village Turkadih, tahsil Takhatpur ,police Station Koni ,district Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. National Highway Authority Of India Ltd., Through : Project Director, Bilaspur Unit, Abhilasha Prisar, New Bus Stand, Bilaspur, District Bilaspur Chhattisgarh.
2. State Of Chhattisgarh, Through : The Collector ,Bilaspur District Bilaspur Chhattisgarh.
3. The Land Acquisition Officer-Cum- Sub Divisional Officer (Revenue), Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioners
For Respondent/NHA
For Respondent/State

Shri B.M. Roy, Adv.
Shri B. Gopa Kumar, ASG
Shri Jitendra Pali, Dy. Adv. Gen.

Order On Board

By

Prashant Kumar Mishra, J.

19/02/2019

1. The petitioners are owners and title holders of the land bearing Khasra No.1472, 1504/3 & 1469 area 0.0320, 0.2550 and 0.1050 hectares situated at Village Nirtu, Tahsil Takhatpur, Dist. Bilaspur (in respect of Makhan Lal) and land bearing khasra No.461/5, 461/7 & 461/8 area 0.016, 0.008 & 0.016 hectares situated at village Turkadih, Tahsil Takhatpur, Dist. Bilaspur (in respect of Mukeshwar) was acquired for construction of National Highway.
2. While assessing compensation payable to the petitioners, 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 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 leveled 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 Petitions are disposed of with direction that the petitioners shall move representations before respondent No.1 within a period of 4 weeks from today. Thereafter, the said authority shall decide the representations within 10 weeks from the date of the State Government's fresh Notification in terms of the directions issued by the Division Bench.

5. Accordingly, both the Writ Petitions stand disposed of.

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri