

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 741 of 2019**

1. Budhram S/o Kunjram Aged About 33 Years R/o Village Tiwari Para, Saida Post Saida Tahsil Takhatpur, District Bilaspur, Chhattisgarh
2. Sukhram S/o Kunjram, Caste Gond, Aged About 36 Years R/o Village Tiwari Para, Saida, Post Saida, Tahsil Takhatpur, District Bilaspur, Chhattisgarh.
3. Smt. Jumni Bee Widow Of Shri Maghrib Khan Aged About 62 Years R/o Village Saida Post Saida, 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. National Highway Authority Of India Through Project Director Bilaspur Katgora Section Of National Highway District Bilaspur, 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

---- Respondent

For Petitioners
For Respondent /State

Mr. Ishwar Jaiswal, Advocate
Mr. Anmol Sharma, Panel Lawyer

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

27/2/2019

1. Heard.
2. Learned counsel for the petitioners would submit that the petitioners' land has been acquired for Bilaspur-Ratanpur Bypass road. However, 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 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 petitioners shall move a representation before the concerned Collector (Land Acquisition) within a period of 4 weeks from today. Thereafter, the said authority 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