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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 789 of 2019

- Tarachand Ahuja S/o Shri Kishan Chand Ahuja Aged About 43 Years R/o Krishna Kunj, Gali 1, Fafadih, Raipur, C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through By Secretary Department Of Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.

2. Collector Cum Ex Officio Revenue Secretary, Raipur.

3. Naya Raipur Development Authority, Through Its Chief Executive Officer, 1st Floor, Utility Block, Capital Complex Sec. 19, Naya Raipur Chhattisgarh.

4. Sub Divisional Officer And Land Acquisintion Officer Arang/ Abhanpur, Head Office Raipur Chhattisgarh.

---- Respondents

For Petitioner :- Shri Raja Sharma, Advocate
For Respondent-State :- Shri Sudeep Verma, Dy. G.A.

Order On Board By

Hon'ble Justice Shri Prashant Kumar Mishra

05/03/2019

1. Learned counsel for the petitioner would submit that the petitioner's land has been acquired for the construction of

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 today the multiplier factors in terms of the guidelines laid down in the statute and the judgment of the Division Bench.

2. 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.
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> 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.

Sd/-
Prashant Kumar Mishra
Judge

Ankit