

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 1066 of 2019

- Kamta Prasad S/o Shri Kalapram Aged About 70 Years R/o Village Rakshapali, Tahsil Kharsiya, District Raigarh Chhattisgarh.

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:- Shri Banhiman Roy, Advocate
For Respondent-NHAI	:- Shri Krishna Gopal Yadav, Advocate (on behalf of Shri B. Gopa Kumar, ASG)
For Respondent-State	:- Shri Anmol Sharma, P.L.

Order On BoardByHon'ble Justice Shri Prashant Kumar Mishra

19/03/2019

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 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.

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

Ayushi