

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 2692 of 2019

Girwar Agrawal S/o Late Harchand Agrawal Aged About 56 Years R/o Naya Baradwar, Ward No. 5, Tahsil Sakti, District Janjgir-Champa Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Collector District Janjgir-Champa Chhattisgarh.
3. The Sub Divisional Officer (Revenue)-Cum-Prescribed Authority Land Acquisition, Champa, District Janjgir Champa Chhattisgarh.
4. The Executive Engineer PWD, National Highway, Division, Bilaspur, Chhattisgarh.
5. The Upper Commissioner Bilaspur Division, Bilaspur Chhattisgarh

--- **Respondents**

For Appellant	:	Mr. K.K. Patel, Advocate.
For State	:	Mr. Sudeep Verma, Dy, GA.
For Respondent No.4	:	Mr. P. Chetan Kumar, Advocate on behalf of Mr. B. Gopa Kumar, Assistant Solicitor General.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

05/08/2019

1. Learned counsel for the petitioner submits that land of the petitioner bearing Khasra Nos.447/6 & 448/2, area 0.040, & 0.008 hectares respectively situated at P.H. No.8, village- Risda, Tahsil Champa, Distt. Janjgir Champa was acquired by respondent no.3 & 4 for widening of National Highway No.200 (New No.49) (Bilaspur-Urdawal Section). At the time of calculation of amount of compensation, it has been shown that land is not situated adjacent to the National Highway road and has calculated amount of compensation on the basis of ordinary market rate

and passed the award of amount of compensation. He also submits that said award was challenged before the Additional Commissioner, Bilaspur Division, Bilaspur under Section 3G (5) of the National Highway Act, 1956 (for short 'the Act of 1956') mentioning therein that the land, which was acquired by respondent authority was situated beside National Highway road, but the proper amount has not been determined in calculating the amount of compensation. The Additional Commissioner vide its order dated 13.11.2017 arrived at a finding that land of the petitioner, which was acquired was on the side of National Highway and also held that compensation in respect of land located within 20 meters of the side of National Highway road is calculated on the basis of Rs.2920/- per sq meter and directed for determination and payment of amount of compensation on the basis of the provisions of the Act of 1956 and guidelines of the Central Valuation Board.

2. On 18.01.2018 the petitioner submitted an application before the Land Acquisition Officer, Distt. Janjgir, Chamapa, alongwith the order passed by the Additional Commissioner/Arbitrator for re-determination of the amount of compensation and payment thereof.
3. The Land Acquisition Officer vide its letter dated 31.12.2018 intimated respondent no.4 with respect to passing of the award by the Additional Commissioner ie. respondent no.5 herein and to give appropriate directions for payment of difference amount of the compensation calculated in compliance of the order passed by the Additional Commissioner/ Arbitrator.
4. Grievance of the petitioner is that till date respondent authority has not complied with the order passed by the Additional

Commissioner/Arbitrator and he has been deprived of the amount of compensation accrued to him towards acquisition of his land for the purpose of widening and construction of road.

5. Learned counsel for the petitioner also submitted that in the identical facts and circumstances of the case, co-ordinate Bench of this Court has passed an order on 12.11.2018 (Annexure P-6) directing the Land Acquisition Officer to make payment.
6. Looking to the fact that the petitioner has already moved an application before the Land Acquisition Officer who in turn, also written a letter to National Highway Authority bringing to his notice the order of Additional Commissioner dated 13.11.2017 as also considering the order dated 12.11.2018 passed by the co-ordinate Bench of this Court, it is directed that concerned Land Acquisition Officer shall redetermine the amount of compensation as per award of the Additional Commissioner/Arbitrator and make payment of the amount within a period of two months from today. The petitioner's entitlement to interest on the awarded amount is left open to be determined as and when the petitioner makes such prayer and prefers fresh writ petition for which, liberty is reserved in his favour.
7. With the aforesaid direction, writ petition stands disposed off.

Sd /-

(Parth Prateem Sahu)
Judge