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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 190 of 2019**

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur Chhattisgarh.
2. The Collector Bilaspur, Collectorate, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.
3. Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue) Bilha District Bilaspur Chhattisgarh.
4. Executive Engineer Water Resources Division, Kota, Water Resources Department, Bilaspur District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. Smt. Anita Agrawal W/o Shri Ashok Agrawal Aged About 47 Years R/o Jain Mandir Road, Kranti Nagar, Bilaspur Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Union of India Through The Secretary, Ministry of Rural Development Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi. 110001., District : New Delhi, Delhi

---- Respondents

REVP No. 215 of 2019

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur Chhattisgarh.
2. The Collector Bilaspur, Collectorate Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.
3. Officer In Charge Land Acquisition Branch, Collectorate, Bilaspur Chhattisgarh.
4. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer Kota, District Bilaspur Chhattisgarh.
5. Executive Engineer Department Of Water Resources, Kota, District Bilaspur (C.G.)

---- Petitioners

Versus

1. Smt. Sharda Devi Agrawal W/o Shri Pawan Kumar Agrawal Aged About 58 Years R/o Jabbal Gali, Nehru Nagar, Bilaspur Chhattisgarh.
2. Union of India Through The Secretary, Ministry of Rural Development Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi. 110001

---- Respondents

REVP No. 218 of 2019

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, Chhattisgarh.

2. The Collector, Bilaspur, Collectorate, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.
3. Officer In Charge, Land Acquisition Branch, Collectorate, Bilaspur, Chhattisgarh.
4. Sub Divisional Officer (Revenue)-Cum-Land Acquisition Officer, Kota, District Bilaspur, Chhattisgarh.
5. Executive Engineer, Department of Water Resources, Kota, District Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. Manoj Kumar Agrawal S/o. Shri Pawan Kumar Agrawal, Aged About 35 Years R/o Jabbal Gali Nehru Nagar, Bilaspur, Chhattisgarh.
2. Union of India, Through The Secretary, Ministry of Rural Development Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001.

---- Respondents

REVP No. 220 of 2019

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Revenue and PWD, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, Chhattisgarh.
2. The Collector, District Raipur, Chhattisgarh.
3. Sub Divisional Officer-Cum- Land Acquisition Officer - Arang / Abhanpur, Raipur, Chhattisgarh.

---- Petitioners

Versus

1. Kamal Jain S/o Shri Maniklal Jain Aged About 55 Years R/o South Avenue 22 B, Chaubey Colony, Raipur Chhattisgarh.
2. Union of India, Through The Secretary, Ministry of Rural Development Department of land Resources, Government Of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001
3. Chief Executive Officer, Naya Raipur Development Authority, Raipur Chhattisgarh. Presently Named As Nava Raipur Atal Nagar Development Authority, Raipur, Chhattisgarh.

---- Respondents

REVP No. 221 of 2019

1. State of Chhattisgarh Through - The Secretary, Government of Chhattisgarh, Department of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, Chhattisgarh.
2. The Collector, Bilaspur Collectorate, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.
3. Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue), Bilha District Bilaspur, Chhattisgarh.
4. Executive Engineer Water Resources Division, Kota, Water Resources Department, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. Ashok Agrawal S/o. Late Shri Jagmohan Das Agrawal Aged About 51 Years R/o. Jain Mandir Road, Kranti Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Union of India Through The Secretary, Ministry of Rural Development Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001.

---- Respondents

REVP No. 233 of 2019

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaay Atal Nagar, Raipur Chhattisgarh.
2. The Collector, Bilaspur, Collectorate, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.
3. Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue) Bilha District Bilaspur, Chhattisgarh.
4. Executive Engineer Water Resources Division, Kota, Water Resources Department, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. Smt. Kusum Panjwani W/o Shri Shankerlal Panjwani Aged About 36 Years R/o Village Bodri, Patwari Halka No. 1, Revenue Block Bilha, Tehsil Bilha, District Bilaspur, Chhattisgarh.
2. Union of India Through The Secretary, Ministry of Rural Development, Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi. 110001.

---- Respondents

REVP No. 236 of 2019

1. State of Chhattisgarh Through- The Secretary, Government of Chhattisgarh, Department of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, Chhattisgarh.
2. The Collector, Bilaspur Collectorate, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.
3. Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue) Kota District Bilaspur, Chhattisgarh.
4. Executive Engineer, Water Resources Division, Kota Water Resources Department, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. Ashok Agrawal S/o. Late Shri Jagmohan Das Agrawal Aged About 51 Years R/o Jain Mandir Road, Kranti Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Union of India Through The Secretary, Ministry of Rural Development Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi, 110001.

---- Respondents

REVP No. 239 of 2019

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, Chhattisgarh.
2. The Collector Bilaspur, Collectorate Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.
3. Office In Charge Land Acquisition Branch, Collectorate, Bilaspur, Chhattisgarh.
4. Sub Divisional Officer (Revenue) Cum-Land Acquisition Officer, Kota, District Bilaspur, Chhattisgarh.
5. Executive Engineer Department of Water Resources, Kota District Bilaspur, Chhattisgarh.

---- Petitioners**Versus**

1. M/s Jindal Infracom Pvt. Ltd. Address Jabbal Gali Nehru Nagar, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Union of India Through The Secretary, Ministry of Rural Development Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi. 110001

---- Respondents**REVP No. 222 of 2019**

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur, Chhattisgarh.
2. The Collector Bilaspur, Collectorate Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh.
3. Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue) Bilha, District Bilaspur, Chhattisgarh.
5. Executive Engineer, Water Resources Division, Kota, Water Resources Department, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioners**Versus**

1. Vishnu Prasad Sahu, S/o Shri Bhuku Sahu, aged about 65 years, R/o Village Bodri, Patwari Halka No. 1, Revenue Block Bilha, Tehsil Bilha, District Bilaspur, Chhattisgarh.
2. Union of India Through The Secretary, Ministry of Rural Development Department of Land Resources, Government of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi. 110001

---- Respondents

For Petitioners/State	:	Shri Chandresh Shrivastava, Deputy Advocate General.
For respective Respondent:	:	Shri Manoj Paranjpe, Advocate.
For Respondent/UOI	:	Shri B. Gopa Kumar, Assistant Solicitor General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board

Per P. R. Ramachandra Menon, Chief Justice

12.12.2019

1. The review petitions have been filed at the instance of State who were the Respondents in the various writ petitions, which came to be finalized as per the common judgment dated 30.10.2018 passed by this Court in Writ Petition (C) No. 1649 of 2017 and connected cases.
2. The sum and substance of the case is that a notification was issued by the Government way back on 04.12.2014 stipulating the appropriate multiplier to be taken in the case of acquisition of land in the rural areas, whereby the relevant multiplier was notified as '1.00', stating that it will be applicable throughout the State of Chhattisgarh. As per the relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'Act of 2013') the appropriate multiplier had to be chosen which ranges from 1.00 to 2.00, depending upon the various facts and circumstances involved.
3. After hearing both the sides, the Bench held that the uniform rate of multiplier 1.00 stipulated was without any regard to the proximity of distance from the urban areas, by virtue of which the purpose of the Act of 2013 itself was defeated. It was accordingly, that the notification was set aside, simultaneously, directing the State to issue a fresh notification and to proceed with appropriate steps.
4. The case of the State is that, the judgment has been given effect to and appropriate notifications have been issued. But the grievance is with regard to the further observation/direction given in the paragraph 12 of the judgment,

whereby the review Petitioners have been directed to reopen all the settled cases wherein the awards have been passed and to adopt the multiplier based on the declaration as given above, which will virtually open a 'Pandora's box', also unnecessarily burdening the State even in respect of the cases where the parties concerned do not have any grievance and have accepted the amount as per the awards passed. This will unsettle the settled position. This made the review Petitioners to approach this Court by filing review petitions pointing out the 'error apparent on the face of record'.

5. Heard Shri Chandresh Shrivastava, the learned Deputy Advocate General on behalf of the review Petitioners, Shri Manoj Paranjpe, the learned counsel appearing for the Respondent and Shri B. Gopa Kumar, the learned Assistant Solicitor General for Union of India.
6. When the matter came up for consideration before this Court on an earlier occasion, it was doubted whether the declaration/direction given as per 'paragraph 12' was ever prayed for in any of the writ petitions. Today, during the course of hearing, it is conceded by the learned counsel appearing for the parties that, it was never a prayer in the writ petition, but for individual grievances of the writ Petitioners in respect of which, relief has been granted based on the reasoning given in the judgment as disclosed from paragraph 1 to 11.
7. Paragraph 12 of the judgment (apart which review petitions have been filed) reads as follows:

“12. It goes without saying that all awards and compensations in relation to not only these Petitioners but all such persons whose land 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 to the new notification, which is required to be notified by the State Government, on priority.”

After hearing both the sides and after going through the verdict passed by the Bench, we are of the view that the judgment will stand intact, even without 'paragraph 12' and we do not find any reason to interdict, alter or modify any of the finding or reasoning as discussed and as contained in paragraph 1 to 11. Since there was no such prayer in the writ petitions, we find it appropriate to delete 'paragraph 12' from the judgment dated 30.10.2018 in the aforesaid cases and the last paragraph numbered as '13' will stand replaced and substantiated as paragraph '12' of the judgment. It stands modified accordingly.

8. With reference to the submission of the learned counsel for the review Petitioners/State that the judgment given by this Court has been complied with in all respects, Shri Manoj Paranjpe, the learned counsel for the writ Petitioners submits that there is no full compliance, insofar as the State, instead of issuing a notification as directed has come up with the Chhattisgarh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Determination of Multiplying Factor in Case of Rural Areas) Act, 2019 (for short, 'Act of 2019'). Though, the said enactment, by virtue of Section 30, stipulates the common multiplier as 2.00, the Act of 2019 is only with effect from May 2019 and hence there is violation. We do not intent to say anything with regard to this aspect insofar as it is open for the writ Petitioners to raise a challenge in all respects with regard to this issue and also as to the compliance of the verdict passed by the learned Single Judge.
9. The review petitions stand disposed off accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge