

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 10 of 2019**

(Arising out of order dated 18.07.2018 in Writ Petition (C) No.1961 of 2018 passed by learned Division Bench)

1. Union Of India Through The Secretary, Ministry Of Road Transport And Highways, New Delhi - 110001
2. Chief Engineer Public Works Department (National Highway Division), Raipur, Chhattisgarh
3. Executive Engineer Public Works Department National Highway Division, Bilaspur, Chhattisgarh

---- Petitioners**Versus**

1. Mahadev Gond S/o Jhamlal Aged About 40 Years Caste-Gond Tribe, R/o Village - Sidarpara Sakreli, Tahsil Sakti, District - Janjgir - Champa Chhattisgarh.
2. State Of Chhattisgarh Through Secretary, Public Works Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh.
3. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh.
4. Sub Divisional Officer (Revenue)/competent Authority (National Highway), Champa, District - Janjgir - Champa Chhattisgarh.
5. Sub Divisional Officer (Revenue) Sakti, District - Janjgir - Champa Chhattisgarh.
6. Tahsildar Sakti, District - Janjgir - Champa Chhattisgarh.
7. Collector District - Janjgir - Champa Chhattisgarh.

---- Respondents

For Petitioners	: Shri B. Gopa Kumar, Assistant Solicitor General.
For Respondent No.1	: Shri Sushobhit Singh, Advocate.
For Respondent/State	: Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Sanjay K. Agrawal, Judge****Order on Board****24/06/2019****Per P.R. Ramachandra Menon, Chief Justice**

1. Grievance projected by the review Petitioners is with regard to the observation and declaration made by the Bench while passing the verdict on 18.07.2018 in the writ petition relating to the acquisition of land, as to proper 'multiplier' to be adopted for working out the compensation.

2. According to the writ Petitioners, the property acquired was for construction of National Highway, i.e., in the national interest; despite which the appropriate multiplier adopted was with regard to the multiplier being adopted in respect of acquisition for the State Government. Thus, instead of adopting the proper multiplier of 'two', which is applicable in the case of acquisition by the Central Government, it was sought to be worked out, adopting the multiplier of 'one'. The learned Bench passed the final verdict on 18.07.2018 observing that, insofar as the acquisition made was for the purpose of Central Government which includes the construction of National Highway, there was no doubt with regard to applicability of the multiplier; which hence was to be 'two' and not 'one'. The writ petition was allowed accordingly, which made the review Petitioners herein i.e. the Central Government, to approach this Court referring to the actual facts and figures and contending that there is an "error apparent on the face of the record".

3. Heard the learned Assistant Solicitor General, learned counsel for the writ Petitioner and the learned Deputy Government Advocate representing the State.

4. It is brought to the notice of this Court that the disparity in adopting two different multipliers in respect of the acquisition proceedings in the same State was considered by the State, based on the judgment passed in Writ Petition (C) No.1649 of 2017 (**Smt. Anita Agrawal v. State of Chhattisgarh & Others**) and that the State has brought about an amendment, whereby the appropriate multiplier has been fixed as 'two', even in respect of the acquisition for the State as per notification dated 02.05.2019. This being the position, there cannot be any change with regard to the benefit/result flowing from the verdict passed by the Bench on 18.07.2018. But the grievance of the review Petitioners is that the observation made by the Bench that, in respect of all the acquisitions pursuant to the notification of the Central Government, the appropriate multiplier shall be 'two'

cannot be sustained, as the acquisition within the State was in respect to the property situated in the State where the appropriate Government is the State Government and not the Central Government. Insofar as the notification issued by the Central Government is concerned, it can only be with regard to the acquisition in a Union Territory, submits by the learned Assistant Solicitor General. Insofar as verdict passed by this Court with regard to the appropriate multiplier would not result in any change, in view of the subsequent developments, particularly by virtue of the amendment brought about by the State bringing the multiplier adopted by the State to be adopted in parity with the multiplier being adopted by the Central Government, there need not be any interference with the verdict sought to be reviewed; except to a limited extent as to the disputed observation.

5. We make it clear that the observation made by the Bench with regard to the notification issued by the Central Government will not have any bearing or significance with regard to the issue involved and it is left open.

6. The review petition is disposed off accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge