

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4514 of 2019**

1. Premshankar Shukla S/o Gajadhar Shukla, Aged About 61 Years, R/o In Front Of IIT, Beside Essar Petrol Pump, NH 30, Tehsil Bastar, District Bastar 494223
 2. Ravishankar Shukla S/o Gajadhar Shukla, Aged About 71 Years, R/o In Front Of IIT, Beside Essar Petrol Pump, NH 30, Tehsil Bastar, District Bastar 494223
 3. Umashankar Shukla S/o Gajadhar Shukla, Aged About 67 Years, R/o In Front Of IIT, Beside Essar Petrol Pump, NH 30, Tehsil Bastar, District Bastar 494223
 4. Prabhashankar Shukla S/o Gajadhar Shukla, Aged About 57 Years, R/o In Front Of IIT, Beside Essar Petrol Pump, NH 30, Tehsil Bastar, District Bastar 494223
- Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Atal Nagar, District Raipur, Chhattisgarh
 2. National Highway Authority Of India Through Its Chairman, G-5 & G-6, Sector-10, Dwarika, New Delhi (Delhi)
 3. The Sub Divisional Officer (Revenue) (Competent Authority Under National Highway Act 1956), Bastar, Tahsil Bastar, District Bastar Chhattisgarh
 4. Collector Bastar, District Bastar, Chhattisgarh
 5. Chief Engineer Public Works Department, National Highway Region, Raipur, Chhattisgarh
- Respondents**

For Petitioners	:	Ms. Shriya Mishra, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy
Order On Board

10.12.2019

1. The present writ petition has been filed seeking for quashment of the order dated 18.07.2018 passed by the respondent no.3 in the light of the order passed by the Division Bench of this Court in WPC No. 1649/2017 decided on 30.10.2018 in the case of Smt. Anita Agrawal Vs. State of Chhattisgarh & others.
2. According to the petitioners, pursuant to the judgment of the Division Bench of this Court in the case of Smt. Anita Agrawal (supra) the respondents have subsequently issued a fresh notification dated 02.05.2019 and thereafter the Govt. has taken a decision for granting of compensation applying the multiplier factor of 2. Therefore, the petitioners also are entitled for revised compensation by applying the multiplier of 2 instead of the multiplier of one, on the basis of which the compensation has been paid to the petitioners.
3. State counsel, at this juncture, submits that the said order in the case of Anita Agrawal is already under review by way of a review petition preferred by the respondent State vide Review Petition No.190/2019. He further submits that any further claim of the petitioners can be considered only subject to the outcome of the Review Petition No. 190/2019.
4. On perusal of the record it appears that there was already a review petition preferred by the Union of India arising out of WPC No. 1961/18 passed by the Division Bench on 18.07.2018. The said review petition

of the Union of India, without altering the mode of compensation, applying the multiplier of 2, was disposed of. Meanwhile, State Govt. also appears to have preferred a review petition against the same order.

5. Given the said fact, since there is already a specific order of the Division Bench in the case of Smt. Anita Agrawal Vs. State of Chhattisgarh & others and other connected petitions decided on 30.10.2018 whereby the Division Bench has categorically in its operative part held that the compensation payable to such persons would not be confined to the petitioners alone but all such persons whose land has been acquired still holds good, this Court is also inclined to dispose of the present writ petition in similar terms as has been decided by the Division Bench in the case of Smt. Anita Agrawal (Supra).
6. The petitioners meanwhile are directed to approach the respondents by way of a detailed representation that they shall make within a period of 4 weeks from today and the authority concerned shall decide the representation immediately thereafter preferably within a further period of 10 weeks from the date the petitioner files the representation.
7. With the aforesaid observation the writ petition stands disposed of.
8. Needless to mention that the decision of the State Govt. would be subject to the outcome of the Review Petition No. 190/2019 pending before the Division Bench of this Court.

Sd/-
P. Sam Koshy
Judge