

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2044 of 2020

1. Badri Prasad Kashyap, S/o- Late Shri Devidin Kashyap, Aged About 79 Years, R/o- Village: Pand, Post- Saida, Tahsil- Takhatpur, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Capital Complex New Raipur, Civil And Revenue, District : Raipur, Chhattisgarh
2. Union Of India Through Secretary, Ministry Of Road Transport And National Highways Department, New Delhi
3. Collector Bilaspur, Collectorate, Nehru Chowk, District : Bilaspur, Chhattisgarh
4. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Competent Authority National Highway Bilaspur, District : Bilaspur, Chhattisgarh
5. Chief Engineer, Public Works Department (National Highway Division) Bilaspur, District : Bilaspur, Chhattisgarh
6. National Highway Authority of India, Plot No. A-7, VIP Estate Shanker Nagar, Raipur, District : Raipur, Chhattisgarh

----- Respondents

For Petitioner	:	Ms. Reena Singh, Advocate.
For State/Resp. No. 1,3&4	:	Mr. Sudeep Verma, Dy. G. A.
For Respondent No.2/UOI	:	Mr. Ramakant Mishra, Asst. S.G.
For Resp. No. 5 &6/N.H.A.I.	:	Mr. B. Gopa Kumar, A.S.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.09.2020

1. The grievance of the petitioner in the present writ petition seems to be the less compensation paid to him against the land belonging to him which was acquired under the provision of National Highways

Act, 1953 for the purpose of construction of the Bilaspur-Katghora NH-130.

2. The contention of the counsel for the petitioner is that petitioner's property situates at Kharsa No. 339 (0.231 hectare), 340/1 (0.1159 hectare) and 341 measuring 0.2293 hectare at Village: Pand, Tahsil: Takhatpur, District: Bilaspur which falls on the Bilaspur-Ratanpur bypass.
3. According to the petitioner, while quantifying the compensation wrong multiplier was applied for determining the compensation and in the process less compensation has been calculated by the concerned authorities which needs reconsideration. The petitioner had earlier approached this Court by way of a writ petition registered as WPC No. 318 of 2019 and this Court had disposed off the writ petition directing the petitioner to move a representation before the Collector within four weeks and the Collector in turn was directed to decide the representation within ten weeks from the date of State Government notification. Subsequently, the impugned order in this case Annexure P-1 of July, 2019 rejecting the claim of the petitioner was passed.
4. At this juncture, it would be relevant to take note of the fact that Section 3G(5) of the National Highways Act, 1953 provides for the party if not satisfied with the quantum of compensation quantified to approach before the authorities appointed by the Central Government as an arbitrator for proper determination of the compensation. The Divisional Commissioner-Bilaspur in this instant case is said to have been appointed by the National Highways Authority to act as an arbitrator.

5. Given the said facts that there is an alternative remedy available for determining the proper compensation under the National Highways Act, 1953, it would be more appropriate if the petitioner is directed to approach the concerned arbitration ie., Divisional Commissioner-Bilaspur under the provisions of Section 3G(5) for proper determination of the compensation. While determining the compensation, the authorities are also expected to take note of the fact that the compensation granted by the respondents to the adjoining land a different multiplier has been applied, as contended by the counsel for the petitioner. The contention of the petitioner also is that the nature of the land and the use of land has also not been properly appreciated by the concerned authorities while quantifying the compensation, this aspect also is one which would be considered by the arbitrator in the course of determining the proper compensation to the petitioner.
6. Let the petitioner approach the concerned Commissioner within a period of thirty days from the date of receipt of copy of this Order. The Commissioner in turn is expected to take a decision on the said application within a period of 4 months from the date of receipt of the application of the petitioner.
7. With the aforesaid direction, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge