

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 998 of 2021

Shobharam Dewangan S/o Late Shyam Lal Dewangan Aged About 80
Years Resident Of Sakti Tehsil Sakti District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Ministry Of Road Transport And Highways,
Transport Bhawan, 1, Parliament Street New Delhi 110001.
2. Project Director National Highway Authority Of India (NHAI) Project
Implementation Unit D-61 HIG 1, Abhilasha Parisar Behind New Bus Stand
Tifra Bilaspur Chhattisgarh.
3. State Of Chhattisgarh Through Secretary Department Of Revenue
Mahanadi Bhawan Raipur District Raipur Chhattisgarh.
4. Collector Champa District Janjgir Champa Chhattisgarh.
5. Sub Divisional Officer Cum Competent Authority Land Acquisition Champa
District Janjgir Champa Chhattisgarh.
6. Inspector General Registration And Superintendent Of Stamp GST Bhawan
Raipur District Raipur Chhattisgarh.

---- Respondents

For petitioner – Shri Kamal Kishor Patel, Advocate.

For Union of India – Shri Tushar Dhar Diwan, Advocate appears on behalf of Shri
Ramakant Mishra, ASG.

For State – Ms. Shreya Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/02/2021

Heard.

1. The grievance of the petitioner in the present writ petition seems to be
aggrieved by the inadequate compensation that the petitioner has been awarded in
the course of acquiring his property for the purpose of construction of National
Highway No. 200 (New No. 49).
2. According to the petitioner, the authorities have not applied proper multiplier
while quantifying the compensation. Similarly, the authorities concerned have
applied different yardsticks for similar nature of properties lying adjacent to each

other and in the process, different rates of compensation have been given to different owners which also is arbitrary.

3. Perusal of the record would show that the properties were acquired in the present case applying the provisions of the National Highways Act, 1956 (in short "the Act of 1956"). Section 3 G (5) of the Act of 1956 reads as under:

"3G(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government."

4. It has been informed by the learned ASG that the Additional Commissioner of Bilaspur Division has been appointed as the authority to act as an Arbitrator for determining proper compensation. Since the petitioner's property has been acquired and who is aggrieved of the multiplier applied in the process of quantifying the compensation, this Court is of the opinion that the matter is one which needs to be dealt with by raising an appropriate dispute by the petitioner before the Additional Commissioner under the provisions of Section 3 G (5) of the Act of 1956.

5. Subject to the petitioner approaching the Additional Commissioner, the Additional Commissioner shall decide the same objectively by passing a speaking order. The petitioner is directed to raise his dispute before the Additional Commissioner in accordance with law at the earliest, preferably within a period of 2 weeks from today and the Additional Commissioner is expected to take a decision at the earliest preferably within 60 days from the date of receipt of the application of the petitioner.

6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

