

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1189 of 2021**

1. Kheduram S/o Sudharam Aged About 63 Years
2. Lakshmee Narayan Pal, S/o Chhotelal Aged About 51 Years
3. Ganesh Pal, S/o Chhotelal Aged About 43 Years
4. Ful Chand S/o Raja Ram, Aged About 65 Years
5. Omprakash Sahu, S/o Sakharam Sahu, Aged About 40 Years
6. Gyan Prakash Sahu S/o Sakharam Sahu (In The Compensation Chart The Petitioners Name Is Wrongly Mentioned As Gyandas) Aged About 47 Years
7. Suryaprakash Sahu S/o Sakharam Sahu Aged About 38 Years

All are R/o. Village Sakari Tehsil Takhatpur District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. Union Of India, Through Secretary, Ministry Of Road Transport And Highways Transport Bhawan, 1, Parliament Street New Delhi.
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 Bilaspur, District Bilaspur Chhattisgarh
5. Sub Divisional Officer Cum Competent Authority Land Acquisition Officer Bilaspur District Bilaspur Chhattisgarh
6. Inspector General Registration And Superintendent Of Stamp GST Bhawan Raipur, District Raipur (Chhattisgarh)

----- Respondents

For Petitioners	:	Shri Kamal Kishore Patel, Advocate
For Respondent/UOI	:	Shri Ramakant Mishra, ASG
For Respondent/State	:	Shri Akash Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.03.2021

1. The grievance of the petitioners in the present writ petition seems to be aggrieved by the inadequate compensation that the petitioners have been awarded in the course of acquiring their properties for the purpose of construction of National Highway No. 200 (New No. 49).
2. According to the petitioners, 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 there are 13 petitioners herein whose properties situated at different places have been acquired and who are 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 individually by raising an appropriate individual dispute by each of the petitioners before the Additional Commissioner under the provisions of Section 3 G (5) of the Act of 1956.
5. Subject to the petitioners approaching the Additional Commissioner, the Additional Commissioner shall decide the same objectively by passing a speaking order. The petitioners are directed to raise their dispute individually 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 petitioners.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge