

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1432 of 2021

1. Sewa Ram S/o Karan Lal Aged About 67 Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh.
2. Babulal S/o Rameshar Aged About 71 Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh
3. Budhram S/o Sarhu, R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh.
4. Dindayal Rathore S/o Late Kripa Ram Rathore, Aged About 65 Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh
5. Rudra Prasad Pandey @ Laxmi Prasad S/o Manharan, Aged About Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh.
6. Dhaniram S/o Shyam Lal Aged About 43 Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh.
7. Kartik Ram Dewangan S/o Bachcharam Aged About 65 Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh
8. Geshwari Lal S/o Sakhan Aged About 51 Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh
9. Kamla Sahu D/o Dashrat Aged About 46 Years R/o Village Seoni Tehsil Champa District Janjgir - Champa Chhattisgarh.

---- Petitioners

Versus

1. Union Of India Through Secretary, Ministry Of Road Transport And Highway Transport Bhawan, 1, Parliament Street New Delhi 110001
2. State Of Chhattisgarh Through Secretary Department Of Revenue Mahanadi Bhawan Raipur District Raipur Chhattisgarh
3. Collector Janjgir - Champa District - Janjgir - Champa Chhattisgarh
4. Sub - Divisional Officer Cum Competent Authority Land Acquisition Champa District - Janjgir Champa Chhattisgarh
5. Inspector General Registration And Superintendent Of Stamp G S T Bhawan Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For Union of India	:	Mr. Tushar Dhar Diwan on behalf of Mr. Ramakant Mishra (ASG), Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.03.2021

Heard

1. The grievance of the petitioner in the present writ petition seems to be the inadequate compensation that the petitioner has been awarded in the course of acquiring his properties for the purpose of construction of National Highway No. 149-B.
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 land of the petitioner has been acquired

and he is aggrieved with 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 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, it is expected that the Additional Commissioner shall take into consideration the judgment of the Division Bench of the High Court of Chhattisgarh and also other guidelines and parameters that have been laid down for the purpose of quantifying compensation. It is also expected that 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 90 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