

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1565 of 2021**

1. Malti Bai W/o Gayaram Aged About 56 Years
2. Sushila (Wrongly Mentioned As Sushil) W/o Ramkumar Aged About 57 Years
3. Kartikram S/o Kushwa Aged About 68 Years
4. Ramlal S/o Nanki Aged About 72 Years
5. Omprakash S/o Shyamlal Aged About 38 Years (In The Compensation Chart The Name Of Petitioners Grand Mother Is Mentioned She Is Dead And His Father Is Also Dead So After There Death He Is The Legal Successor)

Petitioner No.1 to 5 are R/o Village Seoni Tehsil Champa District Janjgir Champa Chhattisgarh.

---- Petitioners

Versus

1. Union Of India Through Secretary, 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 G S T Bhawan Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Kamal Kishore Patel, Advocate
For Respondent/UOI	:	Shri Tushar Dhar Diwan, Advocate on behalf of Shri Ramakant Mishra, ASG
For Respondent/State :		Smt. Astha Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****18/03/2021**

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. 149(B).
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 5 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 90 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