

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1581 of 2021**

1. Mahadev Kashyap S/o Bhulu Ram Aged About 64 Years R/o Koshmanda, Tehsil- Champa, District- Janjgir-Champa, Chhattisgarh.
2. Rathram Kashyap S/o Futulal Kashypa Aged About 54 Years R/o Koshmanda, Tehsil- Champa, District- Janjgir-Champa, Chhattisgarh.
3. Dwarika Dhiwar S/o Chhedulal Aged About 43 Years R/o Koshmanda, Tehsil- Champa, District- Janjgir-Champa, Chhattisgarh.
4. Tirithram Rathore S/o Bed Ram Aged About 43 Years R/o Koshmanda, Tehsil- Champa, District- Janjgir-Champa, Chhattisgarh.
5. Pacho Bai W/o Ramdas Aged About 65 Years R/o Koshmanda, Tehsil- Champa, District- Janjgir-Champa, Chhattisgarh.
6. Ramdulari D/o Mohanlal Aged About 38 Years R/o Village- Kamrid, 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, District : New Delhi, 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, District : Bilaspur, Chhattisgarh
3. State of Chhattisgarh through Secretary Department of Revenue Mahanadi Bhawan, Raipur, District- Raipur, District : Raipur, Chhattisgarh
4. Collector Champa District- Janjgir-Champa, District : Janjgir-Champa, Chhattisgarh
5. Sub-Divisional Officer Cum Competent Authority Land Acquisition Champa, District- Janjgir-Champa, District : Janjgir-Champa, 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 Tushar Dhar Diwan, Advocate on behalf of Shri Ramakant Mishra, ASG
For Respondent/State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

18-03-2021

1. The grievance of the petitioners in the present writ petition seems that they are 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 properly quantified the compensation according to the Guidelines of the State Government of 2018-2019. 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 6 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**

Rao