

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1750 of 2021**

Kamal Saluja S/o Krishna Kumar Saluja Aged About 46 Years R/o Rishi Colony Dayalband Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
--- Petitioner

Versus

1. Union Of India Through Secretary Ministry Of Road, New Delhi, District New Delhi, Delhi, 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 Bilaspur District Bilaspur Chhattisgarh
5. Sub-Divisional Officer Cum Competent Authority Land Acquisition Bilaspur District Bilaspur Chhattisgarh.
--- Respondents

For Petitioner : Shri Surfaraj Khan, Advocate

For Respondent No.1/UOI : Shri Ramakant Mishra, ASG

For Respondents/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****24-03-2021**

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 their properties for the purpose of construction of National Highway No. 130.
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 lands of the petitioner has been acquired and he 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 petitioners before the Additional Commissioner under the provisions of Section 3 G (5) of the Act of 1956.
5. Subject to the petitioner's 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 the 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

Rao