

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPPIL No. 89 of 2021**

- Sheikh Istiyaque S/o Abdul Rehman Aged About 57 Years
R/o Purani Basti, Katghora, District- Korba, Chhattisgarh

---- Petitioner**Versus**

1. The Union Of India Through The Secretary, Ministry Of Road, New Delhi.
2. National Highway Authority Of India (NHAI) Through Its Chairman, NHAI Headquarter, G5 And 6, Sector-10, Dwaraka New Delhi-110075
3. State Of Chhattisgarh Through Its Secretary, General Administration Department, Secretariat, Mahanadi Bhawan, Capital Complex, Naya Raipur, District- Raipur.
4. Collector District Korba
5. The Sub Divisional Officer, Korba

---- Respondents

For Petitioner	:-	Mr. B.P. Sharma, Advocate
For Respondent-UOI	:-	Mr. Ramakant Mishra, ASG
For Respondent-State	:-	Mr. Satish Chandra Verma, Adv.

General assisted by Mr. V.R. Tiwari, Addl.A.G. with Mr. Sameer Sharma, Dy.G.A.

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ****Hon'ble Shri N.K.Chandravanshi, J.****Order On Board****By****Prashant Kumar Mishra, Ag.CJ**

09/08/2021

1. This PIL would pray for a direction to the respondent Authorities for adoption of one yardstick for determination of compensation in case of **Project Director Vs. Smt. Laxmi Narayan & Ors.** in land acquisition case No. 31/A/82 year 2018-19 by award dated 15.7.2019 by SDO (Revenue) -cum- Land Acquisition Officer, Katghora.
2. Admittedly, an award has been passed by the Land Acquisition Officer on the requisition made by the NHAI (**National Highways Authority of India**) as the said authority was in requirement of land for widening/ four-laning of road between Patrapali to Katghora, a part of the Bharatmala Pariyojna. It is argued that in the subject acquisition and consequent award, different yardstick has been applied for determination of compensation for the land situated at the village area and that situated at the Katghora town.
3. In our considered view, the award has been passed in favour of the land owners who are identifiable set of persons. The PIL is not for benefit of any such class of persons whose identity is not known and the beneficiary would be large in number, thousands and lakhs. Moreover, the acquisition has been made under the provisions of National Highway Act, 1956 (for brevity 'the Act, 1956')

which is a self-contained code for determination of compensation with remedies available to the person who is not satisfied with the quantum of compensation determined in his favour. An aggrieved person can prefer an application under Section 3G (5) of the Act, 1956 to seek higher compensation which would be determined by an Arbitrator appointed under the Act, 1956.

4. Considering that the land holders have a statutory remedy to espouse their cause and redress their greivances as also for the reason that the land owners are identifiable class of persons, this PIL is not maintainable.
5. At this juncture, learned counsel for the petitioner refers to the order passed by this Court in WA No.7/2019 in the matter of **Ashutosh Agrawal Vs. Union of India** decided on 06.12.2019 to substantiate his plea that the compensation has been determined in an arbitrary manner. The judgment may be relied upon by the person who proceed to invoke remedy available to them under the Act, 1956. In this PIL we are not examining merits of the matter.
6. For the foregoing, the WPPIL stands dismissed.

SD/-
(**Prashant Kumar Mishra**)
Acting Chief Justice

SD/-
(**N.K. Chandravanshi**)
Judge