

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 454 of 2020

(Arising out of order dated 28.10.2020 passed by learned Single Judge in WPC No.2455/2020)

- Umesh Kumar Agrawal, S/o RN Agrawal, aged about 44 years, (Owner of Land bearing Khasra No.703/8k, Village Barpali), Presently R/o At Post Barpali, Via Bhaisma Tahsil Kartala District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Appellant

Versus

1. Union of India Through The Secretary Ministry Of Road Transport And Highways, New Delhi 110001.
2. National Highway Authority of India, through the Chairman, G5 & 6, Sector-10, Dwarka , New Delhi.
3. Chief Engineer, Public Works Department, National Highway Division Raipur, District Raipur (CG)
4. Sub Divisional Officer (Revenue) cum Competent Authority, National Highways Korba, District Korba (CG)
5. Collector Korba, District Korba (CG)
6. Project Director, National Highway Authority of India, Project Implementation Unit Bilaspur , District Bilaspur (CG)

---- Respondents

For Appellant	:	Mr. Sushobhit Singh, Advocate
For Respondent No.1 &2	:	Mr. Amit Banerjee, Advocate under the authority of Mr. Ramakant Mishra, Assistant Solicitor General.
For Respondent No.3 to 5	:	Mr. Siddharth Dubey, Dy. Government Advocate

Hon'ble Shri PR Ramachandra Menon, CJ

Hon'ble Shri Parth Prateem Sahu, J

Order On Board

Per Parth Prateem Sahu, J

04/01/2021

1. Declining to grant relief as sought for by petitioner/appellant in writ petition filed by him made the appellant to challenge the order dated 28.10.2020 passed by the learned Single Judge in WPC No.2455/2020.
2. Facts of case, in brief, are that petitioner/appellant is owner of

land bearing Khasra No.703/8k, situated in village Barpali, Tahsil Kartala, District Korba. Part of land owned by appellant was acquired by respondent authorities for construction of national highway. Acquisition proceedings were initiated under the National Highways Act, 1956 and after conclusion of proceedings, final award has been passed on 11.1.2019. While passing award, respondent authorities have not calculated the amount of compensation by applying multiplier factor of '2' as applicable in rural areas, which made appellant to approach the High Court by filing petition bearing WPC No.2455/2020 seeking following reliefs:-

“10.1. That, this Hon'ble may kindly be pleased to issue appropriate writ, order, direction and direct the respondent to re-determined the award by applying the multiplication factor of TWO as per the division bench judgment of this Hon'ble Court in W.P. (C) no.1961/2018 and Rev. P. no.10/2019 Union of India Vs. Mahadev Gond dated 24.06.2019.

10.2. That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate.”

3. Learned Single Judge has taken into consideration submissions made by learned counsel for respective parties, particularly taking into consideration the submissions made by learned Assistant Solicitor General that order of a Division Bench of this Court passed in WPC No.1961/2018 is put to challenge before the Hon'ble Supreme Court; the order passed by Division Bench in the said writ petition has been stayed by the Hon'ble Supreme Court; there is complete mechanism provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation &

Resettlement Act, 2013 (for short 'the Act of 2013') for redressal of grievance of a person who is not satisfied with the calculation and quantum of compensation awarded by the Land Acquisition Officer. Learned Single Judge further taking into consideration that under the provision of Section 64 of the Act of 2013 the petitioner can approach the Collector for redressal of his grievances regarding proper calculation of amount of compensation, availability of alternative remedy to the petitioner to challenge the award or quantum of compensation under the Act of 1956, disposed of the writ petition relegating petitioner to approach appropriate authority for redressal of his grievances.

4. Mr. Sushobhit Singh, learned counsel for appellant submits that the learned Single Judge erred in not considering that the issue projected by petitioner in writ petition is squarely covered by judgment / order passed by Division Bench of this Court in WPC No.1961/2018 and it is settled by Division Bench that there will be application of multiplier factor of '2' for acquisition of lands situated in rural areas. He further contended that the State Government has also issued Notification to this effect on 02.05.2019.
5. Mr. Amit Banerjee, learned counsel appearing on behalf of respondents No.1 & 2 and Mr. Siddharth Dubey, learned Deputy Government Advocate appearing for respondent Nos.3 to 5 jointly submit that judgment/order passed by Division Bench of this Court, which is made basis for filing of writ petition seeking multiplier factor of '2', is already under

challenge and pending consideration before the Hon'ble Supreme Court. Referring to Para-5 of impugned order, they submit that learned Single Judge has recorded that there is an interim order of stay in writ petition filed by respondents, hence no order could have been passed in writ petition filed by petitioner/appellant. They further pointed out that learned Single Judge has not non-suited petitioner/appellant but relegated him to approach Competent Authority for redressal of his grievance in accordance with law.

6. We have heard learned counsel for the parties and perused the records.
7. Learned counsel for petitioner/appellant has not disputed submissions of learned Assistant Solicitor General recorded by learned Single Judge in Para-5 of the impugned order that order passed by a Division Bench of this Court in WPC No.1961/2018 is challenged before the Hon'ble Supreme Court in which an interim order in favour of petitioner therein has been passed. Learned counsel for petitioner/ appellant has only raised a ground that as Division Bench of this Court has already passed an order holding that multiplier factor of '2' would be applicable in case of acquisition of lands situated in rural areas, respondent authorities may be directed to re-calculate the amount of compensation accordingly.
8. In view of undisputed fact that order passed in WPC No.1961/2018 is challenged before the Hon'ble Supreme Court, which is pending consideration, and there is an interim

order of stay in that petition, we do not find any error on the part of the learned Single Judge in not considering case of petitioner / appellant on merits because now it is for Hon'ble Supreme Court to declare the law which will govern the field.

9. Another aspect of the case is that no adverse order has been passed by learned Single Judge against appellant. Appellant has only been relegated to approach Competent Authority under the relevant Act for redressal of his grievance raising all the grounds. In this appeal, we are only considering whether learned Single Judge erred in any manner in passing impugned order, to which we do not find any infirmity. We affirm the impugned order passed by learned Single Judge.

10. Appeal fails and it is dismissed. However, in the given facts and circumstances of case, the appellant will be at liberty to approach the Competent Authority under the relevant Act applicable to present set of facts along with an application for condonation of delay, if any, in filing application and the competent authority concerned may consider the same leniently.

Sd/-
(P. Ramchandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-