

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 5207 of 2021

1. Pyarelal Dixena S/o Late Pila Dixena Aged About 71 Years R/o Village Mungadih, Block Pali, District- Korba Chhattisgarh
2. Devlal Dixena S/o Late Pila Dixena Aged About 73 Years R/o Village Mungadih, Block Pali, District Korba Chhattisgarh

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. Collector District Korba Chhattisgarh.
3. Sub Divisional Officer (Revenue) / Competent Authority (Land Acquisition) Katghora, District Korba Chhattisgarh.
4. Union of India Through The Secretary, Ministry of Road, Transport and National Highways, New Delhi (India).
5. Chief Engineer Public Works Department, National Highway Division, Raipur, District Raipur Chhattisgarh.
6. National Highway Authority of India Through Its Project Director, Project Implementation Unit, Bilaspur, District Bilaspur Chhattisgarh.

---Respondents

For Petitioners	:	Shri Dharmesh Shrivastava, Advocate.
For Respondent/State	:	Shri Aman Kesarwani, Panel Lawyer.
For Union of India	:	Shri Tushar Dhar Diwan, Advocate.
For Respondent No.6	:	Shri Dhiraj K Wankhede, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.12.2021

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 property for the purpose of construction of National Highway No. 111 (New No. 130).
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. Considering the nature of claim raised by the petitioners and also the fact that the claim of the petitioners are one which can be decided only after due verification and scrutiny of the revenue records and also on physical verification of the actual acquisition done, this Court is of the opinion that the matter needs to be dealt with individually 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 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.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge