

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 5055 of 2021**

1. Shivnarayan S/o Adhanoo Shyam Aged About 63 Years R/o Village Mungadih, Block Pali, District Korba Chhattisgarh.

---- Petitioner

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 Highways Division, Raipur, District Raipur Chhattisgarh.
6. National Highways Authority Of India Through Its Project Director, Project Implementation Unit, Bilaspur, District Bilaspur Chhattisgarh.

----Respondents

For Petitioner	: Mr. Dharmesh Shrivastava, Advocate.
For State	: Mr. P. Acharya, P.L.
For Union of India	: Mr. Tushar Dhar Diwan, Advocate.
For Respondent No. 6	: Mr. Dhiraj Kumar Wankhede, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.12.2021**

1. The grievance of the petitioner in the present writ petition seems to be aggrieved by the inadequate compensation that the petitioner has been awarded in the course of acquiring his property for the purpose of construction of National Highway No. 111 (New 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 there is petitioner herein whose property situated at Mungadih, has been acquired and who is 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 before the Additional Commissioner under the provisions of Section 3 G (5) of the Act of 1956.
5. Subject to the petitioner approaching the Additional Commissioner, the Additional Commissioner shall decide the same objectively by passing a speaking order. The petitioner is directed to raise his 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 60 days from the date of receipt of the application of the petitioner.

6. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**