CGHC010278602020 2026:CGHC:46210

CHANDRAKANT DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3152 of 2020

- Ramawtar Agrawal S/o Late Jagmohan Das Aged About 55 Years Resident Of Village Vidhya Nagar, Bilaspur District Bilaspur Chhattisgarh.

--- **Petitioner(s)**

versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
2. Collector Bilaspur District Bilaspur Chhattisgarh.
3. Competent Officer (Land Acquisition) Cum Sub Divisional Officer (Revenue) Bilaspur District Bilaspur Chhattisgarh.
4. National Highway Authority Of India Project Implementation Unit Abhilasha Parishar Bilaspur District Bilaspur Chhattisgarh.

--- **Respondent(s)**

WPC No. 668 of 2021

1. Lakhan Lal S/o Gautam Prasad Aged About 56 Years R/o Village-Seoni, Tehsil Champa, District- Janjgir-Champa, Chhattisgarh.
2. Narayan Prasad Yadav S/o Dukhiram Aged About 54 Years R/o Village- Seoni, Tehsil Champa, District- Janjgir-Champa, Chhattisgarh.

3. Sevaram S/o Karanlal Aged About 67 Years R/o Village- Seoni, Tehsil Champa, District- Janjgir-Champa, Chhattisgarh.

4. Sukhsagar Prasad Dewangan S/o Jivrakhan Prasad Dewangan Aged About 51 Years R/o Village- Seoni, Tehsil Champa, District- Janjgir-Champa, Chhattisgarh.

5. Borra S/o Sakarra Aged About 77 Years R/o Village- Seoni, Tehsil Champa, District- Janjgir-Champa, Chhattisgarh.

6. Balram S/o Gokul Aged About 68 Years R/o Village- Seoni, Tehsil Champa, District- Janjgir-Champa, Chhattisgarh.

---Petitioner(s)

Versus

1. Union Of India Through Secretary, Ministry Of Road, New Delhi, District- New 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, Chhattisgarh.
4. Collector Champa, District- Janjgir-Champa, Chhattisgarh.
5. Sub- Divisional Officer Cum-Competent Authority Land Acquisition Champa, District- Janjgir-Champa, Chhattisgarh.
6. Inspector General Registration And Superintendent Of Stamp GST Bhawan Raipur, District- Raipur, Chhattisgarh.

--- Respondent(s)

For Petitioner(s)	:	Mr. Kamal Kishore Patel, Advocate.
For Respondent/NHAI	:	Mr. Dhiraj Kumar Wankhede, Advocate
For Respondent/UOI.	:	Mr. Manoj Kumar Mishra, Central Govt. Counsel
For Respondent/State	:	Mr. Avinash Chand Sahu, Dy. Advocate General.

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

02/11/2026

1. Since both the captioned writ petitions involve a common question of law and are founded on similar facts and circumstances, they have been clubbed together, heard analogously and are being disposed of by this common order.

2. For the sake of convenience and clarity, WPC No.1485/2019 has been treated as the lead case and the facts of the said petition are being referred to for the purpose of adjudication. The decision rendered herein shall, however, govern the connected writ petitions as well, as the issues raised therein are identical in nature.

3. **WPC No. 3152 of 2020:** The petitioner, as pleaded in the instant petition, is the owner of land bearing Khasra No.199/2, admeasuring 730 square metres, situated at Village Pendridih, Tahsil Bilha, District Bilaspur (C.G.). The aforesaid land was acquired pursuant to an award dated 01.06.2018 passed by the Competent Officer, Land Acquisition-cum-Sub-Divisional Officer, Bilaspur (C.G.) in Land Acquisition Case No.32/A-82/2016-17, pertaining to Village Pendridih, P.H.N. No. 10, Tahsil Bilha, District Bilaspur (C.G.). A copy of the relevant extract of the award along with the compensation chart has been filed as Annexure P/1. The grievance of the petitioner is that, as reflected in the

compensation chart, a sum of Rs. 5,82,055/- was awarded as compensation for 730 square metres of land, whereas a sum of Rs. 16,84,122/- was awarded in favour of the Shri Rang Chandram and others for 170 square metres of land. Thus, according to the petitioner, a lower amount of compensation has been awarded for a larger area of land, while a higher amount has been awarded for a smaller area of land, as evident from Serial Nos. 1 and 3 of the compensation chart. The petitioner submits that the Hon'ble Single Bench of this Court has already considered a similar issue in a batch of matters (WPC No.3086 of 2020 and other connected matters) and directed the petitioners vide order dated 14/10/2026 to raise their dispute individually before the Arbitrator, in accordance with law.

4. **WPC No. 668 of 2021**: The petitioners, as pleaded in the instant petition, are that they are owners of different parcels of land bearing Khasra Nos. 1525/6 (area 0.607 hectare), 1352/1 (area 0.267 hectare), 1651/2 and 1657/1-2 (areas 0.069 hectare and 0.040 hectare, respectively), 1535 (area 0.0750 hectare) and 1595/4 (area 0.101 hectare), 1562/2 (area 0.1940 hectare), and 1525/3 (area 0.0690 hectare), respectively, situated at Village Seoni, Tahsil Champa, District Janjgir-Champa (C.G.). The aforesaid lands were acquired by the respondents for widening of National Highway No. 1498 (Champa–Kathghora) pursuant to the award dated 15.09.2018 passed by the Competent Officer, Land Acquisition-cum-Sub-Divisional Officer (Revenue), Champa,

District Janjgir-Champa (C.G.) in Land Acquisition Case No. 16/A-82/2017-18, pertaining to Village Seoni, P.H.N. No. 02, Tahsil Champa, District Janjgir-Champa (C.G.). A copy of the award has been annexed as Annexure P/1. The grievance of the petitioners is that different parameters and rates have been adopted by the respondents for valuation of the acquired lands, resulting in a situation where land of a smaller area has been awarded higher compensation in comparison to land of a larger area. The petitioner submits that the Hon'ble Single Bench of this Court has already considered a similar issue in a batch of matters (WPC No.3086 of 2020 and other connected matters) and directed the petitioners vide order dated 14/10/2026 to raise their dispute individually before the Arbitrator, in accordance with law. Hence, the petitioners in the aforesaid two writ petitions have filed the present petition seeking similar relief in light of the aforesaid decision.

5. Learned counsel for the petitioners submits that inadequate compensation has been awarded to the petitioners in the course of acquiring their properties for the purpose of construction of respective National Highways. 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.

6. Learned counsel for the Respondent- NHAI submits that the petitioners have efficacious alternative remedy under Section 3(G) (5) of the National Highways Act, 1956 (in short “the Act of 1956”) to redress their grievance before the Arbitrator. He further submits that this Court while dealing with a similar issue in WPC No.2207/2020 (Puriram Kashyap and others Vs. State of Chhattisgarh and others) has relegated the petitioners therein/affected land owners to the Arbitrator under Section 3(G) (5) of the Act of 1956. The said view also affirmed by the Division Bench in WA No.423/2020 vide order dated 12.3.2021 and the appellants therein were granted liberty to raise dispute in terms of Section 3G(5) of the Act of 1956 before the Arbitrator to decide the dispute at the earliest in accordance with law keeping in mind the order passed by this Court in WA No.7 of 2019 (Ashutosh Agarwal and another Vs. Union of India and others). In the said Writ Appeal, this Court was faced with the following questions :

> *(f) If there is patent arbitrariness in the ‘decision making process’ and the decision taken, should the party be relegated to the remedy by way of Arbitration and whether the course pursued by the learned Single Judge declining to interfere under Article 226 of the Constitution of India can be justified; more so, where there is no disputed question of fact ?*
>
> *(g) Is the alternate remedy a bar of law, or rule of convenience ?”*
>
> *The Division Bench of this Court in para 17 held as under:-*

> *17. After hearing both the sides and also in view of the precedents cited from both the sides, we do not have any doubt to hold that power of this Court under Article 226 of the Constitution of India, which is even wider of the power of the Apex Court under Article 32 cannot be curtailed by any statute. The existence of alternate remedy is more a 'rule of convenience' and the parties would be relegated to pursue such remedy, under normal circumstances. But if special circumstances are involved or whether the proceeding under challenge is per se arbitrary and illegal or if it has resulted in total miscarriage of justice, the discretionary power vested in this Court to have the matter considered under Article 226 is always there, to be invoked. In view of the particular nature of challenge raised and the factual position demonstrated by the Appellants, resulting in payment of higher compensation to an adjoining / identical property having a lesser extent/area while awarding only a lower amount to the Appellants (merely for the reason that the property involved is having a higher extent) cannot but be held as an arbitrary exercise and we find it appropriate to have it considered by this Court. The question is answered in favour of the Appellants and against the Respondents."*

7. Having heard learned counsel for the parties and having perused the documents annexed with the petition(s), this Court finds that the acquisition of the properties in the present case is governed by the provisions of the Act of 1956. Section 3G(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."*

8. On a bare perusal of the aforesaid provision, it is evident that when the competent authority decides the amount of compensation for acquired land and if the landowner is dissatisfied with that amount, he can apply for arbitration. In the present case, since there are considerable number of petitioners whose properties situated at different places have been acquired and who are aggrieved by 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 by raising an appropriate individual dispute by each of the petitioners before the Arbitrator under the provisions of Section 3 G (5) of the Act of 1956.

9. Accordingly, subject to the petitioners' approaching the Arbitrator, it is expected that the Arbitrator shall take into consideration the judgment of the Division Bench of the High Court of Chhattisgarh as mentioned above and also other guidelines and parameters that have been laid down for the purpose of quantifying compensation. It is also expected that the Arbitrator shall decide the same objectively by passing a speaking order. All the petitioners are directed to raise their dispute individually before the Arbitrator in accordance with law at the earliest, preferably within a period of 2 weeks from the date of receipt of a copy of

this order and thereafter, the Arbitrator is expected to take a decision at the earliest preferably within 60 days from the date of receipt of the application of the petitioners.

10. It is observed that Counsel for the respective respondents will assist Counsel for the petitioners with regard to appointment of Arbitrator.

11. With the aforesaid observations/directions, both the Writ Petition stand disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge

Chandrakant