

Harprasad Patel Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Feb. 20, 2019

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: B. M. Roy, Jitendra Pali, Avinash Singh, B. Gopa Kumar

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. Petitioner is permitted to array the NHAI as party respondent in the petition during the course of the day.

2. Learned counsel for the petitioner would submit that the petitioner's land has been acquired for Bilaspur-Katghora National Highway Road.

However, while assessing compensation, multiplier of 1 has been used, whereas the Division Bench of this Court in WPC No.1649 of 2017 (Smt.

Anita Agrawal Vs. State of Chhattisgarh and others) and other connected petitions has set- aside the Notification dated 04.12.2014, applying multiplier

factor of 1 with direction to the State Government to issue fresh Notification indicating the multiplier factors in terms of the guidelines laid down in the

statute and the judgment of the Division Bench.

3. In Smt. Anita Agrawal (supra), the following has been held by the Division Bench in paras 10, 11 & 12 :

10. Further, the question is not about the power of the State Government to issue such notification, the question is the manner in which such power has

been exercised which can also be levelled as mindless exercise of power since by restricting the multiplier of factor to 1.00, the State is obviously

trying to treat all land owners as one. This will deny to the poor land owners of the remote villagers, fair compensation and rehabilitation, which is the

primary object behind the new Land Acquisition Act of 2013.

11. Drawing analogy from the view taken by the Division Bench of Bombay High Court, which we have quoted with due approval, Court is left with

no option but to strike down the notification dated 04.12.2014 contained in Annexure P/1. A direction is issued that keeping in mind the legal position

which emerges, the State Government will issue a fresh notification indicating the multiplier factors, in terms of the guidelines laid down in the statute

and the judgment.

12. It goes without saying that all awards and compensations in relation to not only these Petitioners but all such persons whose lands have been

acquired and a multiplier of 1.00 has been used for calculating the compensation, the same will be required to be revised and revisited in light of the

new notification, which is required to be notified by the State Government, on priority.

4. In view of the above, the present writ petition is disposed of with direction that the petitioner shall move a representation before the concerned

Collector (Land Acquisition) within a period of 4 weeks from today. Thereafter, the said Collector shall decide the representation within 10 weeks

from the date of the State Government's fresh Notification in terms of the directions issued by the Division Bench.

5. The writ petition stands disposed of.