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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4197 of 2021

1. Ramadhhar S/o Punau Aged About 65 Years
2. Triveni S/o Late Bhagwat Aged About 35 Years (name of mother Bund Kunwar is mentioned in the award and after her death being legal successor and son the petitioner No.2 is filing the petition)
3. Surjotin W/o Ramkhilawan Aged About 45 Years
4. Santram S/o Shivdayal Aged About 63 Years
5. Ramkhilawan S/o Sundarlal Aged About 65 Years
6. Ramkhilawan S/o Deendayal Aged About 52 Years
7. Mohitram S/o Manohar Aged About 43 Years
8. Goutriha S/o Bindaram Aged About 72 Years
9. Guwal S/o Shobharam Aged About 62 Years
10. Mangaldas S/o Heera Aged About 48 Years
11. Rani Manikpuri Wd/o Late Bharosa Das Aged About 33 Years (name of husband Bharosadas is mentioned in the award and after his death being legal successor and wife the petitioner No.11 is filing the petition)
12. Vijay Kumar S/o Dindayal Aged About 51 Years
All are R/o Village Saket, Tehsil Pathariya, District Mungeli Chhattisgarh

---- **Petitioners**

Versus

1. State of Chhattisgarh Through Secretary, Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan, Raipur, District Raipur, Chhattisgarh
2. State of Chhattisgarh Through Secretary, Department Of Water Resource, Mantralaya Mahanadi Bhawan, Raipur District Raipur Chhattisgarh
3. Collector Mungeli District Mungeli Chhattisgarh
4. Sub Divisional Officer (Revenue) Pathariya District Mungeli Chhattisgarh
5. Executive Engineer Maniyari Water Resource Division Mungeli District Mungeli Chhattisgarh

---- **Respondent**

WPC No. 4238 of 2021

1. Ramavtar S/o Late Sunderlal Aged About 54 Years
2. Janakram S/o Late Chhedilal Aged About 62 Years
3. Hari S/o Late Kejuram Aged About 61 Years
4. Ajay Yadav S/o Late Suresh Kumar Aged About 21 Years (In The Compensation Chart Petitioners Father Name Is Mentioned He Is Dead After His Death He Is The Legal Successor)
5. Pramila Bai W/o Mangiri Aged About 56 Years



All are R/o Village Saket, Tehsil Pathariya, District Mungeli, Chhattisgarh

---- **Petitioners**

Versus

1. State of Chhattisgarh, Through Secretary, Department Of Revenue And Disaster Management, Mantralaya Mahanadi Bhawan Raipur, District Raipur, Chhattisgarh
2. State of Chhattisgarh, Through Secretary, Department Of Water Resource, Mantralaya Mahanadi Bhawan Raipur, District Raipur, Chhattisgarh
3. Collector Mungeli, District Mungeli, Chhattisgarh
4. Sub Divisional Officer (Revenue) Pathariya, District Mungeli, Chhattisgarh
5. Executive Engineer Maniyari Water Resource Division Mungeli, District Mungeli, Chhattisgarh

---- **Respondents**

WPC No. 4375 of 2021

1. Motilal, S/o Late Shri Pusau, Aged About 58 Years (Serial No. 1 And 25 Of Compensation Chart)
2. Jagdish, S/o Mahangu, Aged About 47 Years (Serial No. 5 Of Compensation Chart)
3. Basant Kumar, S/o Shankar, Aged About 41 Years (Serial No. 6 Of Compensation Chart)
4. Parmanand S/o Late Gandhi, Aged About 40 Years (Serial No. 7 Of Compensation Chart)
5. Jalkunwar, D/o Late Surit, Aged About 62 Years (Serial No. 10 And 23 Of Compensation Chart)
6. Resham, S/o Guha, Aged About 51 Years (Serial No. 13 Of Compensation Chart)
7. Ramesh, S/o Khorbahara, Aged About 40 Years (Serial No.21 Of Compensation Chart)
8. Sanad, S/o Khorbahara, Aged About 28 Years (Serial No. 22 Of Compensation Chart)
9. Rajan Kumar, S/o Sariba, Aged About 49 Years (Serial No. 26 Of Compensation Chart)
10. Leela Bai, W/o Motilal, Aged About 55 Years (Serial No. 28 Of Compensation Chart)
11. Sumesh, S/o Motilal, Aged About 22 Years (Serial No. 33 Of Compensation Chart)
12. Bachhan, S/o Jhallu, Aged About 75 Years (Serial No. 37 Of Compensation Chart)
13. Mansharam, S/o Shankar, Aged About 59 Years (Serial No. 41 Of Compensation Chart)
14. Meluram, S/o Latel, Aged About 90 Years (Serial No.46 Of Compensation Chart)
15. Madan, S/o Bhikham, Aged About 72 Years (Serial No. 50 Of Compensation Chart)





16. Bajar, S/o Chaitram, Aged About 61 Years (Serial No. 53 Of Compensation Chart)
 17. Narbad, S/o Ramsay, Aged About 55 Years (Serial No. 55 Of Compensation Chart)
 18. Ramvishal, S/o Jagatram, Aged About 56 Years (Serial No. 60 Of Compensation Chart)
- All are R/o Village Saket, Tehsil Pathariya, District Mungeli, Chhattisgarh

---- **Petitioners**

Versus

1. State of Chhattisgarh, Through Secretary, Department Of Revenue And Disaster Management, Mantralaya Mahanadi Bhawan Raipur, District Raipur, Chhattisgarh
2. State of Chhattisgarh, Through Secretary, Department of Water Resource, Mantralaya Mahanadi Bhawan Raipur, District Raipur, Chhattisgarh
3. Collector Mungeli, District Mungeli, Chhattisgarh
4. Sub Divisional Officer (Revenue) Pathariya, District Mungeli, Chhattisgarh
5. Executive Engineer Maniyari Water Resource Division Mungeli, District Mungeli, Chhattisgarh

---- **Respondents**

For the Petitioners - Mr. Surfaraj Khan, Advocate
For the State/Respondent - Mr. Rahul Tamaskar, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri &
Hon'ble Shri Justice Radhakishan Agrawal

Judgment on Board

Per Goutam Bhaduri, J.

18/07/2024

Heard.

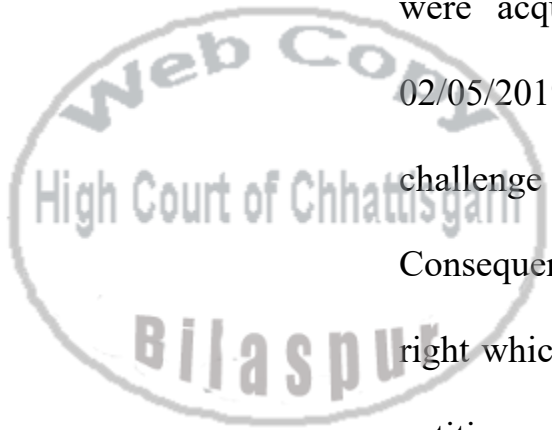
1. Challenge in these petitions is to the notification dated 02nd of May, 2019 (Annexure P/1) whereby the State in exercise of power conferred under Section 30(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act, 2013') has fixed the multiplier factor, wherein it



has been stated that in case of compensation given to whose land which is acquired under the Act, 2013 in respect of Rural areas, the factor by which the market value to multiply shall be 2.00. The main ground in these petitions is that this notification has been made prospectively which leaves the gap of the acquisition, inasmuch as, the earlier notification which unilaterally fixed the factor to be 1.00, was set aside by the order of this Court dated 30/10/2018 in a bunch of petitions.

2. The submission is made that though the lands of the petitioners were acquired in between prior to the notification dated 02/05/2019 the subsequent notification which is under challenge has been made applicable prospectively. Consequently, the petitioners are deprived of their valuable right which the Act, 2013 confers, inasmuch as, the land of the petitioners fall within the rural area, therefore, the notification is unreasonable and is liable to be set aside.

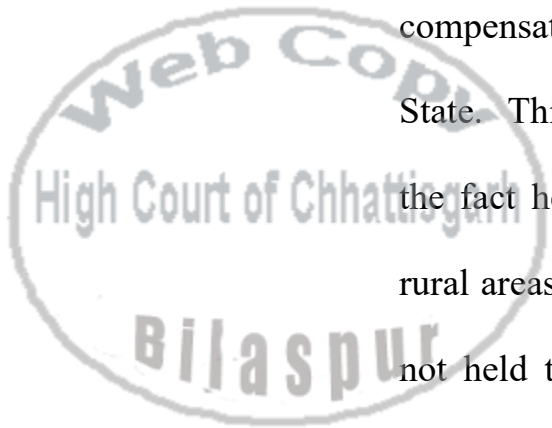
3. Per contra, learned State counsel, would submit that after the earlier notification which was issued by the State Government on 04/12/2014 was set aside and thus in the earlier order this Court directed to recalculate the compensation of the people whose lands were acquired wherein the multiplier of 1.00 was applied for calculating the compensation. He would further submit that subsequently the review having been filed by the State wherein that part of the direction was deleted by order dated 12/12/2019 consequently the compensation which was





given to the petitioners and other likewise people prior to the present notification of 02/05/2019 which has already been settled at rest and no ambiguity or unreasonableness can be attached.

4. We have heard learned counsel for the parties and perused the documents.
5. Earlier the State in its power under Section 30 (2) of the Act, 2013 issued a notification on 04/12/2014 wherein the State Government fixed a multiplier of 1.00 in calculating the compensation for the lands situated in rural areas across the State. This Court after hearing the parties, on the backdrop of the fact held that the market value of the land located in the rural areas needs to be multiplied by unilateral factor 1.00, was not held to be justified as it should have been based on the distance of the project from the urban area. It is also obvious that the rural areas which are far from the urban areas, the multiplier is required to be 2.00 when the rural area covered under the project is closer to urban area scales down from less than 2.00.
6. Be that as it may, this Court in the earlier bunch of petitions i.e. WPC No.1649/2017 and other connected matters, when the multiplier of 2.00 was fixed unilaterally, passed the following order, for the sake of brevity para 11 & 12 of the said order are reproduced hereinbelow:-





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.



7. The State Government filed a review petition against such order and the same was registered as REVP No.190 of 2019 and bunch of petitions. This Court in said review petitions by order dated 12/12/2019 passed the order, whereby para 12 of the order passed in WPC No.1649 of 2017 wherein it was directed that the persons whose lands have been acquired and a multiplier of 1.00 has been used for calculating the compensation are required to be revised and revisited, was deleted. For the sake of brevity the para 7 of the REVP No.190 of 2019 and bunch of petitions is reproduced hereinbelow:-

7. Paragraph 12 of the judgment (apart which review petitions have been filed) reads as follows:

“12. It goes without saying that all awards and compensations in relation to not only these Petitioners but all such persons whose land 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 to the new notification, which is required to be notified by the State Government, on priority.”

After hearing both the sides and after going through the verdict passed by the Bench, we are of the view that the judgment will stand intact, even without 'paragraph 12' and we do not find any reason to interdict, alter or modify any of the finding or reasoning as discussed and as contained in paragraph 1 to 11. Since there was no such prayer in the writ petitions, we find it appropriate to delete 'paragraph 12' from the judgment dated 30.10.2018 in the aforesaid cases and the last paragraph numbered as '13' will stand replaced and substantiated as paragraph '12' of the judgment. It stands modified accordingly.

8. Eventually the fact that the earlier notification which was issued on 04/12/2014 wherein the multiplier factor of 1.00 was applied to calculate the compensation occupied the field up till the subsequent notification of 02nd May, 2019 (Annexure P/1) was issued wherein the multiplier factor was used to be 2.00. Therefore, in between 04/12/2014 to 02/05/2019 the multiplier factor of 1.00 was applicable. With the effect of the judgment and the deletion of the specific direction passed by this Court, further the issue would be covered by the doctrine of stare decisis. The doctrine purports that till the law is set aside which is made by the legislature will hold the field and the act done in between shall be covered and sheltered.

9. The Supreme Court in the matter of ***P.V. George v. State of Kerala, (2007) 3 SCC 557*** in almost similar circumstances





discussed about retrospective and prospective application of law. The Supreme Court has held thus in para 18, 19 & 29:-

18. If the said Rules ultimately were held to be constitutional, it was required to be given effect to. The law declared by a court ordinarily affects the rights of the parties. A court of law having regard to the nature of adversarial system of our justice-delivery system exercises adjudicatory role. Legal consequences are determined in respect of the matters which had taken place in the past.

19. It may be true that when the doctrine of stare decisis is not adhered to, a change in the law may adversely affect the interest of the citizens. The doctrine of prospective overruling although is applied to overcome such a situation, but then it must be stated expressly. The power must be exercised in the clearest possible term. The decisions of this Court are clear pointer thereto.

29. Moreover, the judgment of the Full Bench has attained finality. The special leave petition has been dismissed. The subsequent Division Bench, therefore, could not have said as to whether the law declared by the Full Bench would have a prospective operation or not. The law declared by a court will have a retrospective effect if not otherwise stated to be so specifically. The Full Bench having not said so, the subsequent Division Bench did not have the jurisdiction in that behalf.

10. Applying the aforesaid principle in this case, we do not find any illegality in view of the order passed by this Court in the earlier round of litigation to set aside the subsequent notification dated





02nd May, 2019 to be ultra vires to Section 30 (2) of the Act,
2013.

11. Accordingly, all the petitions are disposed of.

SD/-

(Goutam Bhaduri)
Judge

SD/-

(Radhakishan Agrawal)
Judge

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