

Arbitrator (District Collector) Churu

Application Number 159/2018
Project director etc. Vs Partaram etc.

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19-12-2019

Order Date

Order or action

Number and date
released in the
service of this
command

19-12-2019

Order

File presented for decision. For the purpose of public utility NHAI has acquired the land for NH 65 of khasra no. 861 raqba 14 bigha of village bhagasar purvi, patwar mandal shanadar, tehsil sujangarh, churu.

This appeal is made to review the order of arbitrator (collector) churus order date 3.1.2018 and the corresponding order of the Competent authority of land acquisition (SDM) sujangarh date 30.7.2018.

The grounds taken are as per following-

1. The opposite parties have challenged the original order date 24.9.2010 after elapse of 4 years.
2. DLC rates of sikar calculated in the modified order. Which is incorrect.
3. CALA has violated 3G(2) of the NHAI act by going beyond jurisdiction by giving 30% compensation.
4. The order violates the various order of the Hon. High Court. While acquiring the land all the provision of the law were followed i.e 3A notification published on 20.4.2007. After hearing the claims and objection, final notification issued on 4.12.2008. Further, final award issued on 24.9.2010. While issuing the award prevailing rates of the land based on District Level Committee. The Collector cum Arbitrator award on 3.1.2018 says "Application is accepted in the interest of justice. The award date 24-9-2010 passed by the competent authorized officer (subdivision officer) sujangarh Is canceled. The case is remanded to the competent authority with instructions that According to the above deliberation, both parties should be given appropriate opportunity of hearing and



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evidence, rescheduling the compensation keeping the rates of the village adjacent to the village whose DLC rate is beneficial to the farmer at the time of notification."

This order is in violation of the 1956 act as well as the many settled Hon. High Court Judgement's. Further, the SDM cum CALA in his order dated 30.7.2018 compared the DLC rate of Juliasar (sikor). The DLC rate of Juliasar being ₹ 3,15,000/-. While the nearest village of the said land being shobhasar(sujangarh) whose DLC rate is ₹9,000/- has not been considered. Such comparison of oranges with apple is not the standard procedures. The goal of the NHAI act and RFCTLARR act 2013 act is to provide fair compensation but not to unduly benefit.

I have gone through the arbitrators decision, awards issued by CALA and heard the arguments made by the learned counsels of all parties.

The arbitrator while remanding the CALA's award of 24.9.2010, has asked to consider the nearest villages DLC to give best of the best DLC rate to Compensate the villager's. Subsequently the CALA while issuing the award on 30.7.2018 has counted the compensation on the DLC rates of village of sikar. Further, the award comes after fairly a decade later. There is no visible conflict of unrest in the said village regarding the land acquisition as sensed administratively. Thus, following this type of procedure would adversely affect future land acquisition. Moreover, the NHAI act as well as RFCTLARR act 2013 gives fairly open procedure to acquire the land based on DLC as well as the registry being made in the part few years. But, compensating based on DLC of neighbouring district is truly uncalled for.

Hence, I'm inclined to review the arbitrator's decision that to compensate based on the neighbouring village as bad in procedure. Further, the compensation has been done appropriately in the first award of the CALA in 24.9.2010. Hence, the compensation to be done according to award of



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CALA dated 24.9.2010.

Therefore, On the basis of the above deliberations, the application of the applicant is accepted. The award of CALA is kept unchanged on 24.9.2010 and the awards are rejected on 13.7.2018 and 30.7.2018.

The judgment was pronounced today on 19.12.2019.



(Signature)
(Sandesh Nayak)

Arbitrator (District Collector) Churu