

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7521 of 2023

Applicant :- Ashok Kumar And 5 Others

Opposite Party :- Ravindra Kumar, District Magistrate And 2 Others

Counsel for Applicant :- Ripu Daman Singh

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicants.

Perused the order dated 31.03.2023 passed in Writ-C No.4305 of 2023, which is as under:-

"The petitioners herein are seeking quashing of the notice dated 25.10.2022 on the ground that their plots, description of which has been given in the writ petition, have been utilized for construction of Chaudhari Charan Singh Lakheri Dam without drawing any acquisition proceedings or obtaining consent and also without payment of compensation in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The notice impugned, however, records that the petitioner's land falls in an inundated area and in order to rehabilitate the petitioners, who are affected by construction of dam namely Chaudhari Charan Singh Lakheri Dam, alternative plots have already been made available and ex-gratia payment had been received by the tenure holders.

Though there is no categorical denial with regard to the aforesaid contents of the notice but in various paragraphs of the writ petition, it is stated that the petitioners have not been paid just compensation for their private property utilized for the purposes. It is further sought to be submitted that though the respondents have purchased certain land for rehabilitation/resettlement at a higher rate but the amount paid towards ex-gratia does not include the correct valuation of their lands, which are residential houses, standing trees, Bandhi (Pond) etc. on the spot. The submission, thus, is that the compensation in the shape of rehabilitation of the petitioners and ex-gratia payment, is not just and fair compensation of the acquired/utilized land.

Learned Standing Counsel appearing for the State-respondents prays for and is granted three weeks' time to file personal affidavit of the Executive Engineer, Irrigation, Construction Division-5, Jhansi to bring on record the details of the acquired plots along with the orders for allotment thereof to the petitioners herein. The survey report of the acquired land belonging to the petitioners shall also be brought on record, the computation towards ex-gratia and the procedure of rehabilitation of the tenure holders, shall also be placed along with the said affidavit.

As prayed by the learned Standing Counsel, put up this matter as fresh on 24.04.2023.

In the meantime, no coercive measure shall be taken against the petitioners herein with respect to the lands in question."

Learned counsel for the applicants has invited the attention of the Court to paragraph 16 of the contempt application.

From the perusal of averment made in the said paragraph, no case for contempt is made out.

Contempt application is misconceived and the same stands dismissed.

Order Date :- 12.10.2023

SK Goswami