

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2329 of 2014

1. Ramdas S/o Late Genda @ Manager Aged About 55 Years
2. Saroj Kumar W/o Amelal Aged About 40 Years
3. Rajesh Ahir S/o Amelal Aged About 19 Years

All R/o Village Soranga Post Pandopara P.S. Patna Tahsil Baikunthpur
Distt. Koriya C.G.

---- Petitioner

Versus

1. South Eastern Coalfields Ltd. Through The Chairman Cum - Managing Director, Seepat Road, Basant Vihar, Bilaspur C.G.
2. The Sub Area Manager Jhilmili Sub Area Baikunthpur Distt. Koriya C.G.
3. The Senior Manager (Personnel), Jhilmili Sub Area, Baikunthpur Distt. Koriya C.G.
4. State of Chhattisgarh, through the Collector, District Koriya (C.G.)
5. The Naib Tahsildar, Patna, District Koriya (C.G.)
6. Savitri, D/o Kalicharan, aged about 70 years, resident of village-Temri, post Girjapur, Tahsil Baikunthpur, District Koriya (C.G.)

---- Respondents

For Petitioners	Shri A. K. Shukla, counsel
For Respondent/State	Shri Shashank Thakur, GA
For Respondent No.1	Shri H. B. Agrawal, Senior counsel with Shri Pankaj Agrawal, counsel
For Respondent No.6	Shri Awadh Tripathi, counsel
	Shri Anuj Kumar Patel, Naib Tahsildar, District Koriya (Baikunthpur)

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

09/12/2015

1. Dispute in this petition is about entitlement to the compensation in lieu of acquisition of land for the benefit of SECL. The petitioners Ramdas, Saroj Kumar and Rajesh Ahir are claiming right to such compensation as against the right of respondent No.6, Savitri.
2. Indisputably, Smt. Kanchaniya Bai, Smt. Suraj Kumar and Rajesh Kumar had earlier filed a suit for declaration, confirmation of possession or delivery of possession and permanent injunction against several defendants including respondent No.6, Savitri. The suit was dismissed by the Civil Judge, Class-I, Baikunthpur, District Korea in Civil Suit No.60-A/98 and the decree was maintained by the First Appellate Court in Civil Appeal No.51-A/06, decided by the District Judge, Korea. Second Appeal No.488/2007 was preferred by Smt. Kanchaniya Bai, Smt. Suraj Kumari and Rajesh Kumar before the High Court. During pendency of the appeal, the parties entered into compromise and on that basis, the appellants withdrew their second appeal vide order dated 24.07.2012.
3. The issue concerning disbursement of amount is pending with the management of SECL due to non claim by the land holder.
4. It appears, there is a dispute regarding title over the acquired land, which according to the respondent No.6 is already settled by the Civil Court, however, the petitioners would state that on account of compromise entered between the parties on 04.01.2011, the petitioners are entitled to receive compensation and employment.
5. If the petitioners feel that the compromise between the parties has created a new situation or a new cause of action, the dispute

concerning title can be settled only by the Civil Court and not under Article 226 of the Constitution of India.

6. The petitioners would be at liberty to prefer a fresh suit on the basis of the subsequent compromise or may revive their second appeal, whichever course the petitioners desire to take as is permissible in law.
7. Accordingly, the writ petition stands disposed of with the aforesaid observation.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala