

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 469 of 2016

Amar Kumar Agrawal S/o Late Shri Arun Kumar Agrawal, Aged About 31 Years R/o Mahuapali, Raod, Kharsiya, Tehsil Kharsia Thana Kharsiya, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Commerce And Industries, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. Director, Directorate Of Industries, Udyog Bhawan, Ring Road No.1, Telibandha, Raipur, (Chhattisgarh)
3. Collector, Raigarh, District Raigarh, (Chhattisgarh)
4. Sub Divisional Officer (Revenue), Gharghoda, District Raigarh, (Chhattisgarh)
5. M/s T.R.N. Energy Pvt. Ltd., A Company Incorporated Under The Companies Act, 1956 having its Office At 4732/ 22, Ground Floor, Prakashdeep Building, Ansari Road, Dariyaganj, New Delhi 110002, Through Its Director.
6. District Registrar, Raigarh, Registry Office, Raigarh, (Chhattisgarh)
7. Deputy Registrar, Kharsia, District Raigarh, (Chhattisgarh)

---- Respondents

Shri M.L.Sharma, counsel for the petitioner/s.
Shri Ramakant Mishra, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/02/2016

The petitioner has filed this petition seeking relief of declaration that the State Model Rehabilitation Policy is unconstitutional and hit by Article 14 of the Constitution of India as also order dated 16/10/2014. The petitioner has prayed for a direction that Model Rehabilitation Policy be applied equally upon the petitioner and land transaction dated 30/03/2010 with the respondents / company. The petitioner has also prayed that the sale deed dated 30/03/2010

be declared illegal, void *ab-initio*.

2. Learned counsel for the petitioner argues that present petition is for relief different than the relief claimed earlier in WPC No.241/2016. The petitioner has come out with a new petition on the ground that he recently came to know the facts giving him ground to challenge validity of sale deed on the ground of violation of Article 14 of the Constitution of India because in other sale transactions, respondent no.5 is purchasing land from private owners at higher rates. It has been argued that the State's policy of rehabilitation should be applied in such a manner that the petitioner gets higher rate of sale in respect of sale of petitioner's land vide registered sale deed dated 30/03/2010. It has also been argued that the rehabilitation policy of 2007, as amended from time to time, is arbitrary because it has been applied discriminately in respect of acquisition of land and private purchase.

3. Earlier, a petition was filed by the petitioner for claiming similar relief with the principal issue of declaring the sale deed dated 30/03/2010 as null and void on the ground that under the rehabilitation policy and Government's notification price of land for acquisition is higher than the consideration for sale, in the case of the petitioner and also for compensation, sale consideration at higher rate etc.

4. The land belonged to the father of the petitioner who sold the land to private party / respondent No.5 vide sale deed dated 30/03/2010. For reasons assigned by this Court in order dated 09/02/2016, this petition also appears to be frivolous. It has been incorrectly stated in the petition that the orders have not been passed whereas earlier, the case has been dismissed vide order dated 09/02/2016.

5. In view of above, this petition being frivolous is also dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge