

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2959 of 2016

1. Nasim Bano W/o Mohammad Yunus, Aged About 46 Years
Caste Musalman, R/o Gariyaband, District Gariyaband,
(Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through: Secretary, Department Of
Revenue, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband, (Chhattisgarh)
3. Land Acquisition Officer Cum Sub Divisional Officer
(Revenue), Gariyaband, District Gariyaband, (Chhattisgarh)
4. The State Of Chhattisgarh, Through: The Secretary, Water
Resources Department, Mahanadi Bhawan, Naya Raipur,
(Chhattisgarh)
5. Executive Engineer, Water Resources, Gariyaband Division,
Gariyaband, District Gariyaband, (Chhattisgarh)

---- Respondent

And

WPC No. 2961 Of 2016

1. Keshav S/o Ghansuram Sahu, Aged About 48 Years
2. Dharmendra, S/o Ghansuram Sahu, Aged About 42 Years
3. Smt. Chameli Bai, W/o Keshav Sahu, Aged About 45 Years

All are R/o Ward No.7, Nagar Plalika Parishad, Gariyaband,
District Gariyaband, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through: Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. The Collector, Gariyaband, District Gariyaband, (Chhattisgarh)
3. Land Acquisition Officer Cum Sub Divisional Officer (Revenue), Gariyaband, District Gariyaband, (Chhattisgarh)
4. The State Of Chhattisgarh, Through: The Secretary, Water Resources Department, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
5. Executive Engineer, Water Resources, Gariyaband Division, Gariyaband, District Gariyaband, (Chhattisgarh)

---- Respondent

For Petitioners	Shri P.P. Sahu, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/12/2016

1. Land acquisition award was passed in favour of the petitioners under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resttlement Act, 2013.
2. By quoting the provisions of the old Act i.e. the Land Acquisition Act, 1894 the petitioners moved reference before

the Collector, which was wrongly sent to the District Judge.

3. Finding that the Court of original jurisdiction has no jurisdiction over the matter in view of the provisions of Section 63 of the Act, 2013, the District Judge has returned the reference to the Collector and thereafter, the Collector has not made any fresh reference to the authority constituted under the provisions of Section 51 of the Act, 2013.
4. Considering the limited prayer made in these petitions, both the writ petitions are disposed of with a direction that the concerned Collector shall send the reference under Sections 64 & 65 of the Act, 2013 for adjudication by the competent authority appointed under Section 51 thereof.
5. Let the Collector make necessary order within a period of six weeks from today.

Sd/-

Judge
Prashant Kumar Mishra

Gowri