

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.2397 of 2009

(Arising out of orders dated 15-2-2005 and 6-4-2005 passed by the
Collector, Bastar at Jagdalpur)

1. Jugram Baghel, S/o Late Shri Budhram Baghel, Aged about 34 years
2. Smt. Mangri Bai, W/o Late Shri Budhram Baghel, Aged about 50 years

Both R/o Kotwar Para, Aghanpur, Jagdalpur, Distt. Bastar (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through the Secretary, Revenue Department, Mantralaya, Raipur (C.G.)
2. The Collector, Jagdalpur, Distt. Bastar (C.G.)
3. The Sub Divisional Officer (Rev.) Cum Land Acquisition Officer, Jagdalpur, Distt. Bastar (C.G.)
4. C.G. Grih Nirman Mandal, Through the Executive Engineer, Division Jagdalpur, Bodhghat Housing Board Colony, Jagdalpur, Distt. Bastar (C.G.)

---- Respondents

For Petitioners:	Mr. Akash Pandey, Advocate.
For Respondents No.1, 2 and 3 / State: -	Mr. Ashish Surana, Panel Lawyer.
For Respondent No.4:	Mr. Sanjay Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/12/2017

1. Learned counsel for the petitioners would submit that the petitioners' land though has been acquired but compensation has been paid to petitioner No.2 and no compensation has been paid to petitioner No.1 and possession has not been taken from them, therefore proceeding has already lapsed by virtue of the provisions contained in Section 24(2) of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act of 2013').

2. Pursuant to the direction issued by this Court on 29-7-2015, affidavit has been filed by Sub Divisional Officer (Revenue), Jagdalpur Shri S.R. Kurre in which it has been stated that possession of the said land has not been taken-over by respondent No.4 Chhattisgarh Grih Nirman Mandal for whom the acquisition proceeding has been initiated.
3. Acquisition for Village Aghanpur is also subject matter of batch of writ petitions namely WP(C)No.3908/2008 (Budru Kashyap v. State of Chhattisgarh and others) etc., decided on 9-2-2015, which this Court has allowed the writ petitions holding that possession has not been taken from those petitioners and therefore the proceeding would lapse.
4. Though compensation has been paid to petitioner No.2, but possession has not been taken from the petitioners in accordance with law and even for petitioner No.1, compensation has not been deposited with the reference court, therefore, the acquisition proceedings qua the petitioners' land are held to have been lapsed under Section 24(2) of the Act of 2013. The State / respondents No.1 to 3 are granted a period of one year to exercise their liberty available under Section 24(2) of the Act of 2013 for initiation of acquisition proceedings afresh. If no proceedings are initiated within said period of one year from today, by issuing notification under Section 11 of the Act of 2013, the State shall, return the physical possession of land to the petitioners. (See **Delhi Development Authority v. Ran Singh and others**¹ and **Delhi Development Authority v. Kusham Jain**

¹ AIR 2017 SC 928

and another².)

5. The writ petition is allowed to the extent indicated herein-above in view of the provisions contained in Section 24(2) of the Act of 2013 leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma