

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 103 of 2017

- Executive Engineer, C.G. Grih Nirman Mandal Division-1 Raipur District Raipur, Chhattisgarh(Non-Applicant No.1)

---- Petitioner

Versus

1. Sanjay Singh S/o Shri Lambodar Singh Thakur, R/o Santoshi Chowk, Kushalpur, District Raipur, Chhattisgarh, Through Special Power Of Attorney- Purushottam Sharma, Aged About 60 Years, S/o Jainarayan Sharma, R/o Tatibandh, Raipur, District Raipur, Chhattisgarh(Applicant)
2. State of Chhattisgarh, Through Collector, Raipur, District Raipur, Chhattisgarh(Non-Applicant No.2)

---- Respondent

And

FAM No. 108 Of 2017

- Executive Engineer, C.G. Grih Nirman Mandal Division-1 Raipur District Raipur, Chhattisgarh(Non-Applicant No.1)

---- Petitioner

Vs

1. Deepak S/o Shri Lambodar Singh Thakur, R/o Santoshi Chowk, Kushalpur Raipur, Distt.- Raipur, Chhattisgarh (Applicant)
2. State Of Chhattisgarh, Through Collector, Raipur, District Raipur, Chhattisgarh(Non-Applicant No.2)

---- Respondent

And

FAM No. 106 Of 2017

- Executive Engineer, C.G. Grih Nirman Mandal Division-1 Raipur District Raipur, Chhattisgarh(Non-Applicant No.1)

---- Petitioner

Vs

1. Harjeet Singh S/o Shri Tek Singh, R/o Ramkund Raipur, Prince Garment Vivekanand Ashram, District Raipur, Chhattisgarh
2. Jogendra Singh S/o Shri Tek Singh, R/o Ramkund Raipur, Prince Garment Vivekanand Ashram, District Raipur, Chhattisgarh(Applicants)
3. State Of Chhattisgarh, Through Collector Raipur, District Raipur, Chhattisgarh(Non-Applicant No.2)

---- Respondent

And

FAM No. 112 Of 2017

- Executive Engineer, C.G. Grih Nirman Mandal Division-1 Raipur Chhattisgarh Grih Nirman Mandal, Division 1, Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Vs

1. Sanjay Sharma Shri B. N. Sharma, R/o Near Stadium Kota, Raipur, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh Through- Collector, Raipur, District Raipur, Chhattisgarh.

---- Respondent

And

FAM No. 104 Of 2017

- Executive Engineer, C.G. Grih Nirman Mandal Division-1 Raipur District Raipur, Chhattisgarh(Non-Applicant No.1)

---- Petitioner

Vs

1. Deepak Kumar S/o Shri Gurumukh Das, R/o Sindhi Colony, Ganjpara, Nayapara, Rajim, Raipur, District Raipur, Chhattisgarh(Applicant)
2. State Of Chhattisgarh, Through Collector, Raipur, District Raipur, Chhattisgarh(Non-Applicant No.2)

---- Respondent

And

FAM No. 107 Of 2017

- Executive Engineer, C.G. Grih Nirman Mandal Division-1 Raipur
District Raipur, Chhattisgarh(Non-Applicant No.1)

---- Petitioner

Vs

1. Amit Jivan S/o Shri Lakhiram Jivan, R/o Qtr. No. M-7, Rajeev
Nagar, District Raipur, Chhattisgarh, Through Special Power Of
Attorney- Purushottam Sharma, Aged About 60 Years, S/o
Jainarayan Sharma, R/o Tatibandh, Raipur, District Raipur,
Chhattisgarh(Applicant)
2. State Of Chhattisgarh, Through Collector, Raipur, District
Raipur, Chhattisgarh(Non-Applicant No.2)

---- Respondent

For Appellants	Shri Sanjay Patel, Advocate
For Respondent-State	Shri R. K. Mishra, Dy. AG
For Private Respondents	Shri Kishore Bhaduri, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board By

Prashant Kumar Mishra J.

05/07/2017

I. A. No.1

These are the applications for condonation of delay in filing the present appeals.

Shri Bhaduri, learned counsel for the private respondents would not object to the grant of condonation of delay in the appeals.

In view of no objection by the respondents, the delay in filing the appeal is condoned.

Record of the trial Court is available, therefore, with the consent of the learned counsel for the parties, the appeals are heard finally at motion stage.

1. The batch of first appeals (M) are arising out of the orders passed by the Reference Court answering the reference under Section 18 of the Land Acquisition Act, 1894 to enhance the amount of compensation from Rs.16,40,000/- per hectare to Rs.1924 per square metre.
2. The land in question is located at Village Hirapur, Tehsil and District Raipur. Admittedly, FAM Nos.25, 26, 27, 28 & 29 of 2010, arising out of the same award and different reference proceedings initiated by different land holders, have been decided by the Coordinate Bench of this Court vide order dated 30.10.2014. Copy of the order has been annexed with the preliminary objection filed by the respondents in FAM No.107/2017.
3. Shri Patel, learned counsel for the appellants would make strenuous effort to argue that the present batch of appeals have some difference than the above mentioned FAMs decided by the Coordinate Bench. However, after hearing learned counsel for the parties, we are of the considered opinion that since the present batch of appeals arise out of the same award and the

land in question is also diverted land, we cannot take a different view of the matter than the one already taken by the Coordinate Bench. More so, when the previous order has not been assailed by the appellants herein by preferring SLP before the Supreme Court, therefore, Shri Patel's effort to distinguish on the ground that the land involved in the present batch of appeals is not on the road but is located inside, therefore, it has lesser market value than the land involved in the previous batch of FAMs has no force, because on perusal of the document (Ex-P-1), which is the letter issued by the State Government fixing the price of diverted land in the locality in question without differentiating between the land on the road and the land inside the road, it is found that once the land in question is located in a bigger area for which a particular rate has been fixed by the State Government, the rate applicable to the entire area would be applicable. In our considered view, the Reference Court has not committed any illegality in allowing the same enhanced rate in favour of the respondents which was allowed in favour of the respondents of FAM Nos.25, 26, 27, 28 & 29 of 2010.

4. There is no substance in the present batch of appeals. They deserve to be and are hereby dismissed.

Sd/-
Judge
Prashant Kumar Mishra

Sd/-
Judge
Arvind Singh Chandel