

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 34 of 2016

1. Shailendra Kumar Deshmukh S/o Purshottam Lal, Aged About 32 Years R/o Amapara, Balod, District Balod, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Secretary, Department Of Tribal Welfare, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
3. Secretary, Department Of Water Resources, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
4. Collector, District Balod, Balod, Chhattisgarh.
5. Sub Divisional Officer Cum Land Acquisition Officer, Tehsil Dondi-Lohara, District Balod, Chhattisgarh.
6. Chief Engineer, Mahanadi Godavari Kachhar, Water Resources Department, Executive Engineer, Water Resources Department, District Balod, Chhattisgarh.
7. Department Of Forests, Through Secretary, Mantralaya, Naya Raipur, Chhattisgarh.
8. N T P C- S A I L Power Company Private Limited (N S P C L), Through Its Chief Executive Officer, 4th Floor, N B C C Tower, 15 Bhikaiji Cama Place, New Delhi, Delhi 110066.

---- **Respondents**

For Petitioner	: Smt. Sudha Bharadwaj, Advocate
For State & its Authorities	: Shri Prafull Bharat and Shri A.S.Kachhawaha, Addl. Advs. General
For Respondent No.8	: Shri B.D.Guru, Advocate

Hon'ble Shri Thottathil B.Radhakrishnan, Chief Justice

Hon'ble Shri Pritinker Diwaker, J.

Judgment On Board

Per Thottathil B.Radhakrishnan, Chief Justice

22/03/2017

This writ petition is instituted as a Public Interest Litigation.

2. We heard the learned counsel for the petitioner, the learned Additional Advocates General and the learned counsel for the respondent No.8 quite elaborately.

3. After hearing the learned counsel, we saw that the principal issue sought to be raised relates to the claims of different persons who assert rights over lands stated to be covered by the acquisition proceedings for the purpose of Mohar Reservoir Project. Claim as to rehabilitation and standard rate of compensation notwithstanding utility of the acquired property was also attempted to be projected. The issues appeared to be multifarious but entirely within the realm of the state administration at the first instance. There are disputes relating to the identity of the property. This has prompted the petitioner to request for a comprehensive survey under the control of High Power Task Force and also to hold hearing and consultation in affected villages of district of Balod. It is also submitted that certain areas of district of Rajnandgaon would also be involved, in the ultimate analysis.

4. At our request the learned Additional Advocates General have obtained instructions from the State authorities. They submit on the basis of such instructions that the Commissioner, Durg is the Revenue Authority who has control over the entire area and would be the competent person to structure modality of carrying out the needful to ensure that the claims of all those persons whose properties are involved in the process of the massive acquisition are provided with adequate support to reach at the eligible compensation and also for other reliefs, as would be offered.

5. We think that in the larger interest of the public and in the interest of those persons whose lands are subjected to the process of acquisition, it would be worthwhile for all concerned to first attempt the modality of negotiation and settlement through proper and effective consultation by involving all the stakeholders. This will also include the requisitioning authority, namely the 8th respondent, and the people whose lands would fall for acquisition. If there are any other reliefs in the form of rehabilitation, as would be available, that can also be pushed on the negotiating table so that a package deal can be arrived at and the matter resolved accordingly. This will provide easy and effective non-adversarial termination of the disputes

resulting in relief to those persons whose lands would be acquired and make available the land for the project concerned without delay.

6. Hence this writ petition is ordered without expressing anything on the different contentions raised by the parties to it but directing the Commissioner, Durg to do the needful in terms of what is aforesaid by commencing requisite executive action in terms of this judgment within a period of two weeks from the date of receipt of copy thereof.

7. We clarify that if any issue which has already been decided finally by the competent statutory authorities, executive authorities or judicial authorities including the courts, they would be taken as final and shall not be reopened.

8. Writ petition is ordered accordingly.

Sd/-

(Thottathil B.Radhakrishnan)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge