

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 572 of 2015**

Toni Kumar Bharti S/o Shri Budhram Bharti Aged About 30 Years
Bhumiswami of Village Basin, R/o Khamariya Ward No. 1, Nagar Palik
Nigam Bhilai, Police Chowki-Jewra Sirsa, Tah & District Durg,
(Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh, through The Secretary, Revenue Department
Ministry, Mahanadi Bhawan, Mantralaya, New Raipur, (C.G.)
2. Collector, Durg, (C.G.)
3. Sub Divisional Officer, Land Acquisition Officer, Durg, (C.G.)
4. Sub Divisional Officer, (Jal Sansadhan), Sub Division, Durg, (C.G.)
5. Branch Manager, State Bank Of India, Kumhari, District Durg,
(Chhattisgarh)
6. The Executive Engineer Tandula Water Resources, Durg (C.G.)

---- Respondent**WP227 No. 576 Of 2015**

Yugal Kumar Bharti S/o Shri Budhram Bharti, Aged About 32 Years,
Bhumiswami Of Village Basin, R/o Khamariya Ward No.1 Nagar Palik
Nigam Bhilai, Police Chowki-Jewra Sirsa Tahsil & District Durg
(Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh, Through - The Secretary, Revenue Department
Ministry, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. Collector, Durg (C.G.)
3. Sub Divisional Officer, Land Acquisition Officer Durg (C.G.)
4. Sub Divisional Officer, (Jal Sansadhan), Sub Division, Durg (C.G.)
5. Branch Manager, State Bank Of India, Kumhari, District Durg (C.G.)
6. The Executive Engineer, Tandula Water Resources, Durg (C.G.)

---- Respondents

WP227 No. 577 Of 2015

Ravindra Kumar Bharti S/o Shri Budhram Bharti, Aged About 34 Years Bhumiswami Of Village Basin R/o Khamariya Ward No.1, Nagar Palik Nigam Bhilai, Police Chowki -Jewra Sirsa, Tah & District Durg, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh, through the Secretary, Revenue Department, Ministry, Mahsanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. Collector, Durg, (C.G.)
3. Sub Divisional Officer, Land Acquisition Officer, Durg, (C.G.)
4. Sub Divisional Officer (Jal Sansadhan), Sub Division, Durg, (C.G.)
5. Branch Manager State Bank Of India, Kumhari, District Durg, (C.G.)
6. The Executive Engineer, Tandula Water Resources, Durg, (C.G.)

---- Respondents

WP227 No. 573 Of 2015

Dhanesh Kumar Bharti S/o Shri Budhram Bharti, Aged About 35 Years Bhumiswami Of Village Basin R/o Khamariya Ward 1, Nagar Palik Nigam, Bhilai, Police Chowki Jewra Sirsa, Tah & District Durg, (C.G.)

---- Petitioner

Vs

1. State Of Chhattisgarh, Through The Secretary, Revenue Department Ministry, Mahanadi Bhawan, Mantralaya, New Raipur, (C.G.)
2. Collector, Durg, (C.G.)
3. Sub Divisional Officer, Land Acquisition Officer, Durg, (C.G.)
4. Sub Divisional Officer, (Jal Sansadhan), Sub Division, Durg, (C.G.)
5. Branch Manager State Bank Of India, Kumhari, District Durg, (C.G.)
6. The Executive Engineer, Tandula Water Resources, Durg (C.G.)

---- Respondents

For Petitioners : Shri B.P. Singh, Advocate.
For State : Shri Gary Mukhopadhyaya, Dy. Govt. Advocate.
For Respondent/SBI : Shri P.R. Patankar, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/10/2017

(1) As the common questions of law and facts are involved in all the writ petitions, they are being considered and disposed of by this common order.

(2) This batch of writ petitions is directed against the order of District Judge, Durg rejecting the reference made by the Collector, Durg under Section 18 of Land Acquisition Act, 1894 (for short 'Act of 1894').

(3) Learned counsel for the petitioner would submit that the reference made by the Collector has been rejected by the District Judge, Durg on the ground that award is not signed by the Collector while passing award under Section 11 of the Act of 1894. He would submit that the award was not under challenge before the District Judge as there is admitted position that award has been validity passed and there was no dispute about it and, therefore, the learned District Judge is unjustified in rejecting the reference made by the Collector on the ground that the award has not been signed and consequently passed by the Collector.

(4) Per contra, learned counsel for the State would submit that the award was passed by the Land Acquisition Officer and duly approved by the Collector and, as such, there is complete compliance of Section 11 of the Act of 1894 while passing the award.

(5) I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record

with utmost circumspection.

(6) The Collector, Durg has referred the matter under Section 18 of the Act of 1894 for enhancement of the amount under award before the District Judge, Durg, as such, there was no dispute that award is not validly passed and signed by the Collector. It is the stand of the State that award is duly approved by the Collector, therefore, the learned District Judge is absolutely unjustified in rejecting the reference made by the Collector under Section 18 of the Act, 1894.

(7) Accordingly, the writ petition is allowed. Impugned order dated 26.06.2013 is set aside. The matter is remitted back to the District Judge, Durg for considering the reference on merits and take a decision on the same expeditiously preferably within a period of six months from the date of receipt of certified copy of this order as the award was passed on 19th January, 2007.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-