

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2126 of 2016

Lal Sai Verma S/o Late H.R. Verma, Aged About 55 Years R/o Quarter No 21/CL Packet, Maroda Sector, Bhilai, District Durg Civil & Revenue District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Revenue Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh
2. The Collector Land Acquisition Durg Chhattisgarh
3. Chhattisgarh State Power Distribution And Supply Company Limited, A Successor Company Of The Chhattisgarh State Electricity Board Through Its Executive Engineer, Town Division Chhattisgarh State Power Distribution And Supply Company, Limited, Durg Chhattisgarh

---- Respondents

Shri Raza Ali, counsel for the petitioner/s.
Shri Manish Nigam, Panel Lawyer for the State / respondents 1 and 2.
Shri Raja Sharma, counsel for respondent No.3.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/05/2017

The petitioner has prayed for a direction to respondent authorities to complete land acquisition proceedings within a time frame and to make payment of compensation as per prevailing land acquisition laws.

2. The facts floating on the surface are that the respondent / electricity board is erecting transmission tower on the land of the petitioner. The petitioner challenged the action of the respondents by filing a petition earlier registered as WPC No.709/2012. During the pendency of the said petition, statement was made by the Electricity Board that compensation proposed shall be paid to the petitioner within three weeks. The petition was, therefore, disposed off vide order dated 22/06/2012 giving liberty to the petitioner challenging the insufficiency of

amount of compensation before appropriate Forum.

3. It is not in dispute that later on, a total compensation of Rs.7,45,663/- has been paid to the petitioner. The petitioner, however, disputes the same by submitting that adequate compensation has not been paid to him.

4. Rule 3 (2) of the Works of Licensees Rules, 2006 provides for fixing the amount of compensation when making order under sub-rule (1). Rule 3 (3) of the Rules of 2006 provides that every order made by a District Magistrate or a Commissioner of Police or an authorised officer under sub-rule (1) shall be subject to revision by the Appropriate Commission.

5. Undoubtedly, the determination and fixation of compensation and payment thereof is in the process of passing an order under Rule 3 (2) of the Rules of 2006. The opening words of Rule 3 (2) of the Rules of 2006 make it clear that fixation of compensation is done in the process of making an order under Sub Rule 1. Therefore, as a logical corollary, an order of determination of compensation may also be challenged before the Commission as provided under Sub-Rule 3. The petitioner ought to have approached the appropriate Commission. Therefore, I am not inclined to go into the aspect of sufficiency or adequacy as it would require enquiry into facts, nature of land, market value etc.

6. With the liberty to approach appropriate Commission, this petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge