

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1425 of 2015**

1. Natural Collections (P) Limited A Company Duly Incorporated Under The Relevant Provisions Of The Indian Companies Act, 1956 Having Its Office At 61, Shahid Smarak Parisar, Rajbandha, Maidan, G. E. Road, Raipur (Chhattisgarh) Through Its Director Shri Premraj Jain, Son Of Late A. R. Jain, Aged About 60 Years, Resident Of 61, Shahid Smarak Parisar, Rajbandha, Maidan, G. E. Road, Raipur (Chhattisgarh).
2. Premraj Jain S/o Late A. R. Jain Aged About 60 Years Resident Of 61, Shahid Smarak Parisar, Rajbandha, Maidan, G. E. Road, Raipur (Chhattisgarh). Civil & Revenue District Raipur (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Town And Country Planning, Mantralaya Mahanadi Bhawan, Capital Complex, Naya Raipur (Chhattisgarh).
2. The Collector, District Raipur. (Chhattisgarh).
3. The Raipur Development Authority, Through Its Chief Executive Officer, Bhakt Mata Karma Parisar, New Rajendra Nagar, Raipur (Chhattisgarh).
4. The Sub- Divisional Officer- Cum- Land Acquisition Officer, Raipur (Chhattisgarh).

---- Respondents

For the petitioner : Shri B.P. Sharma, Advocate.

For the Respondent/ State : Shri Sumesh Bajaj, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06.11.2017

Heard.

1. Learned counsel for the petitioner submits that as per the demarcation report submitted which is part of Annexure- P-2, road has been constructed by Raipur Development Authority on the land belonging to the petitioner. It is proposed by respondents to the petitioner that land shall be allotted and place of the land acquired for construction of road. Petitioner does not want to agree with this proposal and instead he has moved the representation vide Annexure P-4 before the respondent No.3 in which he has prayed that he may be paid compensation instead of allotting land in exchange. It is submitted by learned counsel for the petitioner that the respondents be directed to decide this representation as per law.
2. Learned counsel for the respondents submits, that the petitioner had earlier agreed to have land in exchange. It is submitted that petitioner himself approached the respondent authorities and made submission, that he may be allotted land in exchange, on account of which the memo dated 23.01.2015 Annexure P-2 was issued. Annexure P-2 filed by petitioner himself discloses that lands as described in this memo were decided to be allotted to the petitioner and petitioner was requested to approach the authorities to enter into an agreement in this respect. It is submitted, that if the Court is inclined to direct that the representation of the petitioner may be decided in that case

direction may be issued that respondents shall have liberty to decide in either way.

3. Learned counsel for the petitioner submits again that Hon'ble Supreme Court in the matter of **Rajendra Chandra Shukla Versus State of Chhattisgarh** reported in **2015 10 SCC 400** declared the whole scheme of Kamal Vihar illegal, hence, in this development of situation the petitioner is no longer interested to receive plot in exchange for the lands acquired, hence, for these reasons it is prayed that the petitioner shall be provided with compensation for the land acquired.
4. Learned counsel for the respondents submits again in reply that the judgment of Supreme Court is applicable only to the person who had approached the Supreme Court. As the petitioner in that case had disputed the scheme from the very beginning, hence, the ratio of that judgment is not applicable to the case in hand this is totally different case, here the petitioner himself consented for land in exchange for the land acquired. Hence, no case is made out.
5. I have heard the learned counsel for the parties and perused all the document placed on record.
6. As per the submission, representation made by the petitioner is not decided and still pending before the respondent, any decision on representation pending before the respondent can be called and questioned before this Court, if so required by the petitioner later on, but for that purpose it is required that this representation should be decided first by the respondent, hence, this petition is disposed off

with direction.

7. Respondents are directed to consider and decide the representation of the petitioner in accordance with the law, rules and regulations within a period of three months and they shall have the liberty to decide the representation without being influenced by any of the observation made in this order.
8. This petition stands disposed off.

Sd /-

(Rajendra Chandra Singh Samant)
Judge