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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 24 of 2014**

1. Chhattisgarh State Power Generation Company Limited And Ors. Through- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
2. Chhattisgarh State Power Transmission Company Ltd. Through- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
3. Chief Engineer Chhattisgarh State Power Generation Company Ltd., Distt. Korba C.G.
4. Deputy General Manager (Hr) Chhattisgarh State Power Transmission Company Ltd., Distt. Raipur C.G.

---- Petitioner**Versus**

1. Rajesh Kumar Bibay S/o Suresh Kumar Bibay Aged About 38 Years Occupation- Agriculturist R/o Balgikhar, P.O. Balgikhar, Tah. Katghora, Distt. Korba C.G.
2. State Of Chhattisgarh Through- Secretary, Department Of Rehabilitation, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur C.G.
3. Sub-Divisional Officer Block- Katghora, Distt. Korba C.G.
4. Sub-Divisional Officer (Land Acquisition), Distt. Korba C.G.

---- Respondent**And****REVP No. 21 Of 2014**

1. Chhattisgarh State Power Generation Co. Ltd. & Ors. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
2. Chhattisgarh State Power Transmission Company Ltd. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
3. Chief Engineer Chhattisgarh State Power Generation Company Ltd., Distt. Korba C.G.
4. Deputy General Manager (Hr) Chhattisgarh State Power

Transmission Company Ltd., Distt. Raipur C.G.

---- Petitioner

Vs

1. Gaya Das S/o Dukalu Das Panika Aged About 45 Years R/o Benchar, P.O. Benchar, Tah. Katghora, Distt. Korba C.G.
2. State Of Chhattisgarh Thru- Secretary, Department Of Rehabilitation, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, C.G.
3. Sub- Divisional Officer Block- Katghora, Distt. Korba C.G.
4. Sub-Divisional Officer (Land Acquisition) Distt. Korba C.G.

---- Respondent

And

REVP No. 23 Of 2014

1. Chhattisgarh State Power Generation Company Limited And Ors. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
2. Chhattisgarh State Power Transmission Company Ltd. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
3. Chief Engineer Chhattisgarh State Power Generation Company Ltd., Distt. Korba C.G.
4. Deputy General Manager (Hr) Chhattisgarh State Power Transmission Company Ltd., Distt. Raipur C.G.

---- Petitioner

Vs

1. Summan Lal S/o Aghori Lal Aged About 35 Years R/o Churikala, P.O. Churikala, Tah. Katghora, Distt. Korba C.G.
2. State Of Chhattisgarh Thru- Secretary, Department Of Rehabilitation, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur C.G.
3. Sub-Divisional Officer Block- Katghora, Distt. Korba C.G.
4. Sub-Divisional Officer (Land Acquisition) Distt. Korba C.G.

---- Respondent

And

REVP No. 25 Of 2014

1. Chhattisgarh State Power Generation Company Limited And Ors. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
2. Chhattisgarh State Power Transmission Company Ltd. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
3. Chief Engineer Chhattisgarh State Power Generation Company Ltd., Distt. Korba C.G.
4. Deputy General Manager (Hr) Chhattisgarh State Power Transmission Company Ltd., Distt. Raipur C.G.

---- Petitioner

Vs

1. Halдар Prasad Pandey S/o Gokul Prasad Pandey Aged About 40 Years R/o Churikala, P.O. Churikala, Tah. Katghora, Distt. Korba C.G.
2. State Of Chhattisgarh Thru- Secretary, Department Of Rehabilitation, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur C.G.
3. Sub-Divisional Officer Block- Katghora, Distt. Korba C.G.
4. Sub-Divisional Officer (Land Acquisition) Distt. Korba C.G.

---- Respondent

And

REVP No. 26 Of 2014

1. Chhattisgarh State Power Generation Company Limited And Ors. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
2. Chhattisgarh State Power Transmission Company Ltd. Thru- Managing Director, Vidhyut Bhawan, Danganiya, Raipur C.G.
3. Chief Engineer Chhattisgarh State Power Generation Company Ltd., Distt. Korba C.G.
4. Deputy General Manager (Hr) Chhattisgarh State Power Transmission Company Ltd., Distt. Raipur C.G.

---- Petitioner

Vs

1. Vishnu Ram Dewangan And Ors. S/o Ram Dayal Dewangan
Aged About 46 Years R/o Churikala, P.O. Churikala, Tah.
Katghora, Distt. Korba C.G.
2. State Of Chhattisgarh Thru- Secretary, Department Of
Rehabilitation, Govt. Of Chhattisgarh, Mantralaya, Mahanadi
Bhawan, Naya Raipur C.G.
3. Sub-Divisional Officer Block- Katghora, Distt. Korba C.G.
4. Sub-Divisional Officer (Land Acquisition) Distt. Korba C.G.

---- Respondent

For Applicants	Shri K. R. Nair, Advocate
For Respondent-State	Shri Sameer Behar, PL
For Respondent No.1 in REVP Nos.21,23,25 & 26 of 2012	Shri S. R. Sinha, Advocate
For Respondent No.1 in REVP No.24/2014	Shri A. V. Joshi, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/09/2017

1. Heard learned counsel for the parties on merits.
2. WPS Nos.4169, 4170, 4171, 4172 and 4173 of 2012 were decided by a common order applying the law laid down by this Court in WPC No.692/2012 (**Kumar Ban Goswami and others Vs State of Chhattisgarh and others**), further directing the applicants to consider the case of one member of each displaced family for employment as per Clause 7.1 or

any other relevant clause of the Chhattisgarh Model Rehabilitation Policy, 2007 (for Short 'the Rehabilitation Policy, 2007').

3. Shri Nair, learned counsel for the applicants would submit that the lands belonging to the writ petitioners/ private respondents herein were acquired for establishment of sub-stations and not for any factory or industry, therefore, the Rehabilitation Policy, 2007 has no application. He would further submit that at the time of hearing, copy of order passed in **Kumar Ban Goswami** (supra) was supplied to him in the Court itself, therefore, he could not find time to examine whether the said decision applies to the facts of the present case or not. He regrets and tenders apology for not being able to point out the distinguishing features in the case of **Kumar Ban Goswami** (supra) and the present batch of the cases.
4. Per Contra, Shri Sinha and Shri Joshi would submit that in view of Para 3 of the order, no case for review of the order is made out. Shri Sinha and Shri Joshi would further submit that in an earlier petition bearing WPS No.455 of 2012 (**Vishnu Ram Dewangan Vs State of Chhattisgarh and others**) and other connected matters, decided on 31.01.2012 (Annexure -A/3), the issue has already been decided directing the applicants to decide the writ petitioners' representation in accordance with the Rehabilitation Policy, 2007, therefore, the submission that the Rehabilitation Policy, 2007 has no

application is otherwise not available to the applicants.

5. A reading of the order in the matter of **Vishnu Ram Dewangan** (supra) would indicate that there is no finding by this Court as to the applicability of the Rehabilitation Policy, 2007 on the ground as to whether establishment of sub-stations would amount to establishment of a factory or industry or it is a commercial purpose.
6. By the said order, this Court only directed the applicants to decide the representation by a speaking order. There being no order on merits touching the issue which has been put-forth by Shri Nair in these review petitions, the order passed in **Vishnu Ram Dewangan** (supra) would not operate as *res judicata*.
7. In so far as the contents of Para 3 of the order under review is concerned, Shri Nair has explained that the distinguishing features between two cases escaped his attention, because he was supplied copy of the order passed in **Kumar Ban Goswami** (supra) in the Court itself. Moreover, the issue as to whether the Rehabilitation Policy, 2007 would also apply to establishment of a sub-station or whether establishment of a sub-station amounts to commercial purpose has widespread repercussions throughout the State, because every year the applicants establish a large number of sub-stations apart from establishment of transformers for which also, at times, acquisition of land is required. If acquisition for such purpose would also attract the Rehabilitation Policy, 2007, it may affect

the applicants and similarly, if the respondents are entitled in law to secure employment, it should not be denied to them, therefore, the issue concerning applicability of the Rehabilitation Policy, 2007, being matter of general importance, it ought to be settled by this Court by a speaking order and not merely on the basis of some other order passed by this Court which, according to the applicant, is distinguishable.

8. In view of the above, the order passed by this Court on 25.10.2013 is recalled and all the writ petitions are restored to its original number for decision on merits in accordance with law.
9. Accordingly, all the review petitions stand allowed to the extent indicated above.

Sd/-

Judge
Prashant Kumar Mishra

Nirala