

Writ Petition (PIL) No. 65 of 2013

- #### ---- Petitioners

1. Korba West Power Company Ltd. Through Its General Manager Village Chhote Bhandar, PO Bade Bhandar, PS Pusaur, Raigarh-496100 Chhattisgarh Having Its Registered Office at AVANTHA Power & Infrastructure Ltd. Thhapar House, 124 Janpath New Delhi 110001
2. State of Chhattisgarh, Through Chief Secretary, Mantralaya, Raipur, Chhattisgarh
3. Secretary, Department of Revenue, Mantralaya, Raipur, Chhattisgarh
4. Commissioner Bilaspur Division, Bilaspur
5. The Collector Raigarh, Collectorate Raigarh, Chhattisgarh
6. Sub Divisional Officer/Land Acquisition Officer Raigarh, SDO Office Raigarh, Chhattisgarh
7. Sub Registrar Raigarh, Registry Office, Raigarh, Chhattisgarh

---- Respondents

For Petitioners : Smt. Rajni Soren, Advocate.
For Respondent No.1 : Dr. N.K. Shukla, Senior Advocate with
Shri Shashank Thakur, Advocate.
For Respondent/State : Shri A.S. Kachhawaha, Additional Advocate General.

Hon'ble Shri Pritinker Diwaker, Judge

Order on Board

09/07/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard the counsel for the parties.
2. This Public Interest Litigation was initiated at the behest of the Petitioners. One of the Petitioners is said to be a Senior Journalist who is supposed to have done his own investigation and based on what materials he had gathered, he decided to file the Public Interest Litigation that a fraud had been played in purchase of land from poor tribal farmers which was nothing but a *benami* purchase of land by using 8 front people who themselves are said to be below poverty line persons.

3. A demand was made that a high level investigation be ordered for the sham transaction as well as quash the so-called land acquisition proceeding.
4. The Public Interest Litigation has been heard over a period of time and directions have been issued time to time by this Court. In one of the last of the order dated 09.08.2016, a direction was issued upon the Revenue Secretary, State of Chhattisgarh to inquire into the matter and file a report. In compliance thereof, a report dated 21.11.2016 which is Annexure R-2/A has been annexed with what is labeled as compliance report.
5. We have carefully gone through the report of the Revenue Secretary who has personally not only sworn the affidavit but also signed the report which is dated 21.11.2016. The Revenue Secretary had carried out on the spot inquiry and sum essence of the inquiry is that due process and procedures seems to have been followed in relation to the purchase and acquisition of that land. Necessary payments have been made through legal means, in fact, payments have been done through cheques and the amount of compensations paid to the farmers is at least twice if not more than the market value of the land in question.
6. Since the high ranking official of the State at the behest of the direction of the High Court has carried out an on the spot inquiry and has not found any wrongdoing with regard to the allegations made in the writ application, we are of the opinion that the petition filed on behalf of the Petitioners lacks bonafide. No further exercise is required to be carried out on this matter any further.
7. The writ application therefore stands dismissed as being devoid of merit.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Pritinker Diwaker)
JUDGE