

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1591 of 2014

1. Abdul Rashid S/o Haji Abdul Siddique Aged About 42 Years R/o Birra Road Champa P.S. And Post Champa Distt. Janjgir Champa Chhattisgarh, Civil & Revenue Dist. Janjgir Champa Chhattisgarh

----- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Mantralaya, Capital Complex, Naya Raipur Chhattisgarh.
2. The Collector Surajpur, Distt. Surajpur C.G.
3. The Sub Divisional Officer Cum Land Acquisition Officer Surajpur District : Surajpur, Chhattisgarh.
4. Punjab National Bank Champa Branch Through Its Branch Manager District : Janjgir-Champa, Chhattisgarh.
5. Parasram S/o Jagat Ram Aged About 48 Years
6. Santram S/o Jagat Ram Aged About 42 Years
7. Eiyaram S/o Jagat Ram Aged About 45 Years

No.5 to 7 are R/o Village And Post Surta Chihuliyapara P.S. And Tahsil Ramanujnagar, District : Surajpur, Chhattisgarh.

----- Respondents

For Petitioner

Shri B.P. Sharma, Advocate with
Shri Hari Agrawal, Advocate.

For Respondent-State

Shri Y.S. Thakur, Addl. A.G.

For Respondent Nos. 5 to 7

Shri Vikram Sharma, Advocate.

Order On Board By

Hon'ble Justice Mr. Prashant Kumar Mishra

19/11/2018

1. Petitioner has called in question the order Annexure P-4 passed by the Collector, Surajpur, staying disbursement of the amount of Land Acquisition Compensation to the tune of Rs.50,03,410/-. The said order has been passed for the reason that subsequent to the passing of the award it was came to the notice of the authorities that the petitioner is not the owner of the subject land and his name was wrongly entered in the Revenue Records.
2. The Land Acquisition award was passed in favour of the petitioner for the land bearing Khasara No.2139 area 2.0 Hectors situated at village Surta PH No.33 RI Circle Ramanujnagar District Surajpur. The respondent Nos 5 to 7 raised objection to the award being made in favour of the petitioner upon which an inquiry has been initiated by the Collector and the same is pending consideration. During pendency of such inquiry, the Collector has passed the order impugned so that the compensation is paid to the actual beneficiary or if the land is found to be belonging to the State Government, the fraud is avoided and no loss is occasioned to the State Government.
3. In the report of the Revenue Inspector available at page 23 of the writ petition, it is mentioned that the land was leased out by the Government. The private respondents are also claiming title to the property. If either of the case is proved, the petitioner may

not be entitled to the amount of compensation, therefore, the Collector has not committed any illegality by staying disbursement of the amount of compensation till the issue as to whether the land belongs to the State Government or to any other individual is decided.

4. It is also to notice that the petitioner has not filed any order by which the land was leased out to him nor has he filed any sale deed or the source of title by which the subject land came to be owned by him.
5. As an upshot, the writ petition, being bereft of merit, is liable to be and is hereby dismissed, leaving the parties to bear their own costs.

Sd/-
Prashant Kumar Mishra
Judge

Gowri