

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CONT No. 747 of 2017**

1. Smt. Akbari Khatoon W/o Yahiya, Aged About 41 Years Caste Muslim, R/o Village Manpur, Post, P.S. And Tehsil Surajpur, Revenue And Civil District Surajpur, Chhattisgarh, Chhattisgarh

**---- Petitioner**

**Versus**

1. Bijendra Singh Patle Posted As Sub-Divisional Officer/Land Acquisition Officer Surajpur, Tehsil And P.S. Surajpur, Revenue And Civil District Surajpur, Chhattisgarh.

**---- Respondent**

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For Petitioner  
For Respondent

Shri Surfraj Khan, Advocate  
Shri Shashank Thakur, Advocate

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**Order On Board**

**By**

**Prashant Kumar Mishra, J.**

**23/03/2018**

1. Petitioner's land was acquired for construction of Ring Road after commencement of the Act namely; Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth 'the Act, 2013'), however, the acquisition was done under the old Act i.e. the Land Acquisition Act, 1894, which was not permissible in law. The award was already passed on 20.03.2015 i.e. after coming into force of the Act, 2013. In such situation, the petitioner preferred writ petition bearing WPC No. 966 of 2016, which was allowed by this Court, along with other connected writ petitions, by order dated 09.02.2017 with the following operative part.

6. In the facts and circumstances of the case and for the reason that the land acquisition proceedings drawn under the Old Act after coming into force of the New Act are void ab initio, the entire land acquisition proceedings in all the three writ petitions are quashed. If the petitioners desire to retain the land, they may deposit the entire amount of compensation received by them within a period of two months. If they desire to adjust the amount of compensation, which may be determined under the fresh acquisition proceedings to be drawn by the State Government under the New Act, the State would be entitled to use the subject land.

2. The petitioner is now aggrieved and has prayed for drawing contempt against the respondent for the reason that the fresh land acquisition proceeding under the new Act has not been drawn.
3. Learned counsel appearing for the respondent/contemnor would refer to the documents filed along with the return to demonstrate that the proceedings have been drawn under the new Act and the award has also been passed on 28.12.2017.
4. At this juncture, learned counsel for the petitioner would submit that the proceedings under the new Act cannot be drawn while retaining the old case number. He would also submit that the proceedings under the new Act has to be drawn as per chapter II and III of the Act, 2013 and not otherwise. He would next submit that what has been quashed by this Court including the proceedings under Sections 11 & 19 of the Act, 2013 has been retained for the purpose of passing the fresh award.

5. Having heard learned counsel for the parties, in my considered opinion, if according to the petitioner the fresh proceedings drawn and the award passed afresh while retaining some portion of the proceedings earlier drawn can be the subject matter of fresh challenge by filing a writ petition. From the contents of the return, willful disobedience or lack of intention to comply the order passed by this Court is not demonstrated, therefore, the proceedings drawn for complying the order passed by this Court, even it may be faulty in some aspect, cannot be said to be amounting to committing of contempt of Court.
6. In view of the above, the contempt notice is discharged. The petitioner would be at liberty to challenge the fresh land acquisition proceedings, if she so desires.
7. Accordingly, the contempt petition stands disposed of.

Sd/-

Judge

Prashant Kumar Mishra

Gowri