

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 45 of 2019

- Sant Ram Chouhan, S/o Late Mohit Ram Chouhan, Aged About 43 Years, R/o Village Tilgi, Tahsil Pusour, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Collector, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
3. Sub Divisional Officer Cum Land Acquisition Officer, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Executive Engineer Kelo Project Construction Division, Lakha, Kharsida, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. Liladhar S/o Late Shiromani Aged About 53 Years R/o Village Tilgi, Tahsil Pusoure, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
6. Som Nath S/o Liladhar Aged About 27 Years R/o Village Tilgi, Tahsil Pusoure, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
7. Dhan Kumari W/o Liladhar Aged About 50 Years R/o Village Tilgi, Tahsil Pusoure, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Uttam Pandey, Advocate
Shri Alok Bakshi, Addl. AG

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

08/01/2019

1. In this petition under Article 226 of the Constitution of India, the petitioner would pray for a direction to quash the impugned notification (Annexure-P-1) and to direct the respondent Nos.1 to 4 to implement earlier gazette notifications dated 08.04.2011 and 25.11.2011 for acquiring the land for construction of Tilgi Minor Canal Project.
2. It is argued that in the earlier notification, only few land holders were affected, whereas under the new land acquisition notification, many more number of land holders are affected, therefore, the second notification is not in the interest of the people residing in the area. It is also put forth that the area to be benefited by irrigation on completion of the project will also be reduced under the new project.
3. It is settled law that the Writ Court cannot sit over the opinion of the expert who has formed a particular policy for implementation of project on the ground that it will affect or it will not affect some individuals. In any case, the land acquisition notification cannot be questioned on this ground. The said notification can be questioned only on the ground of violation of mandatory provisions under the Land Acquisition Act, 1894 and/or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
4. No case for entertaining this writ petition is made out. It is accordingly dismissed.

Sd/-
Prashant Kumar Mishra
Judge