

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1002 of 2014

1. Shri Swaroop Chand Jain S/o Late Shri Mohanlal Jain Aged About 55 Years R/o Sambalpur, Distt Kanker (CG)
2. Shri Suresh Jain S/o Late Shri Mohanlal Jain Aged About 50 Years R/o Sambalpur, Distt Kanker (CG)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, DKS Bhawan, Raipur, Chhattisgarh
2. The Joint Secretary, State Of Chhattisgarh, Forest Department, DKS Bhawan, Raipur (CG)
3. The Collector, Kanker, Distt Kanker,
4. The Land Acquisition Officer, Kanker, Dist Kanker
5. The Divisional Forest Officer, East Bhanupratapur, Distt Bastar,

-- Respondents

For petitioners- Shri Adhiraj Surana, Advocate.
For State-Shri Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/07/2019

Heard.

1. This is the second round of litigation. Case of the petitioners are that their land were acquired forcefully in the year 1946 admeasuring 4.20 acres bearing khasra No.207/2 at Bhanupratappur without due process of law. Petitioners in the earlier litigation in WPC No.2630 of 2009 has claimed for compensation and the interest. In view of the said land so acquired, this court by an order dated 7th July, 2011 has awarded the compensation and interest @ 9% on the total amount from the date of notification under Section 4 (1) dated 3/05/1989 for a period of one year and 15% for the remaining period till the payment is made. The said order was subject of writ appeal by the State as well as by the petitioners in W.A. No.392/2011. By the order dated 28th March, 2012 order passed by

the learned Single Judge was upheld. Again the instant petition is for claiming interest from 1946 to 1989 which was not granted in earlier point of time in the litigation.

2. Perusal of the order passed by this court on 7th July, 2011 which was affirmed in writ appeal would show as a whole the entire compensation payable to the petitioners was adjudicated along with interest payable. The interest though was claimed from 1946 from the alleged date of taking over of the land but the interest was awarded from 3/05/1989. It was the date of notification under section 4(1) of the Land Acquisition Act, 1894. Therefore the issue has already been adjudicated and the petitioners since had filed earlier writ petition which was affirmed in appeal also and the claim is already adjudicated, no further adjudication can be made as it would be barred on principles of *res-judicata*. Therefore, the instant petition has no merit and it is accordingly dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE