

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 817 of 2019

1. Shyam Lal Patel, S/o. Late Nilamber Patel, Aged About 62 Years, R/o. Village - Nansiya, Tahsil And District Raigarh, Civil And Revenue District Raigarh Chhattisgarh.
2. Purnesh Patel, S/o. Late Balmukund Patel, Aged About 47 Years, R/o. Village - Nansiya, Tahsil And District Raigarh, Civil And Revenue District Raigarh Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Collector Raigarh, District Raigarh Chhattisgarh.
2. Sub Divisional Officer (Revenue) / Land Acquisition Officer Raigarh, District Raigarh Chhattisgarh.
3. Chief Executive Engineer, Public Works Department, National Highway Division Bilaspur, District Bilaspur Chhattisgarh.
4. The Additional Commissioner Bilaspur, Division Bilaspur, Chhattisgarh.
5. The Tahsildar Raigarh, District Raigarh, Chhattisgarh.
6. Shri Indrapal Singh Bhatia, S/o. Late Harbansh Singh, R/o. Jagatpur, Tahsil And District Raigarh Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Manoj Kumar Sinha, Advocate
For State/Respondents No.1 to 5.	:	Mr. Aditya Bhardwaj, Panel Lawyer
For Respondent No.6	:	Mr. Awadh Tripathi, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.05.2019

Heard

1. The present petition is against the order dated 04.09.2018 passed by the Additional Commissioner, Bilaspur in Revenue Case No.64A-82/2017-18.
2. Perusal of the record shows that on 01.01.2017, an award was passed by the S.D.O. Revenue/ Land Acquisition Officer Raigarh in Revenue Case No.17A-82/2016-17 in respect of village Amalibhauna, Tahsil & District Raigarh for land acquisition in favour of the petitioners. Subsequently, the

said order was subject of challenge by the respondent No.6, Indrapal Singh, before the Additional Commissioner, Bilaspur in Revenue Case No.64A-82/2017-18. The challenge was on the ground that the then appellant Indrapal Singh has purchased the lands and award has been passed in favour of the earlier owners of the land.

3. Perusal of the impugned order dated 04.09.2018 passed by the Additional Commissioner would show that while award dated 01.01.2017 was under challenge by the respondent No.6 with respect to the land bearing Khasra No.100/3 admeasuring 1.822 hectare, it was alleged that the Khasra No.100/1 was further sub-numbered. In such appeal, though the award passed in favour of petitioner was challenged yet the petitioners Shyam Lal Patel & Purnesh Patel were not made a party. The earlier award was passed in respect of acquisition of land bearing Khasra No.100/1 admeasuring 1.062 hectare, however, the respondent No.6 claimed that Khasra number was sub-numbered as 100/3 and was subject of acquisition. In any case while the award which was passed in favour of the petitioners was subject of challenge before the Additional Commissioner by respondent No.6, the petitioners were not made a party or heard. Consequently, the order dated 04.09.2018 passed by the Commissioner cannot be sustained as the parties who were to be affected by the order of appeal were not made a party.
4. In the result, the order dated 04.09.2018 is set aside on the ground that the petitioners were not heard before such order was passed. The case is remanded back to the Commissioner for rehearing afresh after arraying the affected persons as party in respect of the disputed land, which is alleged in question.
5. Accordingly, the writ petition is allowed to the above extent. No order as to cost.