

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 213 of 2019

(Arising out of order dated 07.02.2019 passed by learned Single Judge in Review Petition No.103 of 2018, arising out of order dated 28.08.2018 passed in WPC No.1942/2015)

Smt. Asha Bhawar W/o Shri Santosh Bhawar Aged About 55 Years R/o Mahamaipara, Purani Basti, Raipur Chhattisgarh., Through The Power Of Attorney Holder - Ramcharan Sonkar, S/o Shri Atmaram Sonkar, Aged About 52 Years, R/o Tiranga Chowk, Kushalpur, Raipur Chhattisgarh.

---- Appellant

Versus

1. Dayasharan Sonkar S/o Late Narayan Sonkar Aged About 37 Years.
2. Dularin Bai Sonkar W/o Late Narayan Sonkar Aged About 58 Years.
Both are R/o Village Bhathagaon Police Station Raipur, Civil And Revenue District - Raipur Chhattisgarh.
3. The State Of Chhattisgarh Through Its Secretary Revenue Department, Mahanadi Bhawan, New Raipur (Atal Nagar) Chhattisgarh.
4. The Collector Raipur, District - Raipur Chhattisgarh.
5. The Sub Divisional Officer Revenue Raipur District Raipur Chhattisgarh.
6. The Tahsildar Raipur District Raipur Chhattisgarh.
7. Ajay Singh Thakur Working As Patwari Charge Of P.H. No. 105/47, Police Station Raipur Civil And Revenue District Raipur Chhattisgarh.

-----Respondents

For Appellant	: Shri Ashish Surana, Advocate.
For Respondent no.1 & 2	: Shri Akhilesh Kumar, Advocate.
For State/Respondent No.3 to 6	: Shri Siddharth Dubey, Dy, GA.
For Respondent No.7	: Shri Mateen Siddique, Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per Justice Parth Prateem Sahu, J

22.08.2019

1. Heard on IA No.1/2019, application for condonation of delay in filling the appeal.

2. Considering the ground mentioned in the application, we allow IA No.1/2019, and condone the delay of 155 days in filling this appeal.
3. Heard appellant/intervener, who has filed this appeal challenging the impugned order dated 28.08.2018 passed by the learned Writ Court directing respondent no.3 SDO (Revenue), Raipur to initiate the proceeding for verification of land revenue records and to disburse the amount of compensation calculated under the Land Acquisition Act, 1894 to the person authorised to accept.
4. Learned counsel for the appellant submits that subject land, which has been acquired under the Land Acquisition proceeding by the Competent Authority, was purchased by her on 31.03.192 from Late Narayan Sonkar (father of petitioner no.1 and husband of petitioner no.2). He also submits that intervener has raised a dispute before the Land Acquisition Officer with regard to the ownership and title of the land so acquired. The Land Acquisition Officer has referred the matter to the District Judge. He further submits that petitioners/respondent no.1 & 2 were well aware about the pendency of the reference made by the Land Acquisition Officer before the District Judge, but they have not brought to the notice of the said fact before the Writ Court and obtained the impugned order. The dispute referred to District Judge was remitted back to the Land Acquisition Officer as not maintainable then the dispute forwarded to Collector. He lastly submits that during the pendency of this writ appeal, the Collector before whom reference was pending, has referred the matter to the Competent Authority under Section 64 of Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (for short, 'the Act of 2013).

5. Per contra, learned counsel for the petitioners/respondents no.1 & 2 herein submits that they are not aware about any sale deed and after death of Late Narayan Sonkar, mutation proceeding has been initiated and in that process, paper publication has been made, but the appellant neither appeared nor raised any objection in mutation proceeding, which shows that appellant is not the valid purchaser of the property in question. He submits that petitioners/respondents are in possession of the land in dispute. He also submits that the learned Writ Court has only directed for verification of the land revenue records to ascertain the registered owner of the property acquired by the Land Acquisition Officer and, thereafter, to disburse the amount of compensation.
6. From the facts what emerges is that the land was acquired and the Land Acquisition Officer by its letter dated 28.04.2015 has asked the concerned 'Patwari' ie respondent no.7 to verify the details of the land of Khasra No.234/1 mentioned in agreement from the revenue records. When respondent no.7 did not send the verified status of the land and even the higher Revenue Authorities not responded to the complaints, then respondents/petitioners filed a writ petition.
7. The learned writ Court looking to the inaction on the part of the revenue authorities particularly looking to the letter of the S.D.O-Cum-Land Acquisition Officer for getting the land mentioned in agreement to be verified from revenue records by the impugned

order learned Single Judge directed the SDO revenue to verify the land records and pass appropriate order enabling to pay the compensation to right full owner.

8. We do not find any error in the order passed by the learned Single Judge. However, looking to the fact that the reference is pending before Rehabilitation and Re-Settlement Authority, in which, notice was also issued to the petitioners/respondents for their appearance on 22.07.2019, in the larger interest of justice, we deem it fit and proper to direct the Land Acquisition Officer not to disburse the amount of compensation to any one till decision of the reference case no.140/2019 by the Re-Settlement Authority.
9. Keeping in mind the amount of compensation is lying with the land Acquisition Officer since 2014 we direct the Rehabilitation and Resettlement Authority to decide the case no.140/2019 preferentially within a period of four months from the date of the receipt of certified copy of this order.
10. With the aforementioned observations and direction, appeal stands disposed off.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge