

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3589 of 2019

1. Ganga Prasad Sinha S/o Sohan Lal Sinha Aged About 61 Years
2. Vijay Kumar Sinha S/o Sohan Lal Sinha Aged About 59 Years
3. Chandra Shekhar Sinha S/o Sohan Lal Sinha Aged About 56 Years
4. Roshan Lal Sinha S/o Sohan Lal Sinha Aged About 49 Years
All R/o Village Kendri Tahsil Abhanpur, District Raipur.

--- Petitioner(s)

Versus

1. Chief Executive Officer Development Tribunal New Raipur, Paryavas Bhawan New Raipur, Tahsil and District Raipur.
2. Land Acquisition Officer / S.D.O. Abhanpur Room No. 1, Tahsil Office Abhanpur, District Raipur Chhattisgarh.

---Respondents

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Writ Petition (C) No. 3632 of 2019

1. Ganga Prasad Sinha S/o Sohan Lal Sinha Aged About 61 Years
2. Vijay Kumar Sinha S/o Sohan Lal Sinha, Aged About 59 Years
3. Chandra Shekhar Sinha S/o Sohan Lal Sinha Aged About 56 Years
All R/o Village - Kendri Tahsil - Abhanpur, District - Raipur Chhattisgarh.

--- Petitioner(s)

Versus

1. Chief Executive Officer Development Tribunal New Raipur, Paryavas Bhawan New Raipur Tahsil and District Raipur Chhattisgarh.
2. Land Acquisition Officer / S. D. O. Abhanpur Room No. 1, Tahsil Office Abhanpur, District - Raipur Chhattisgarh.

---Respondents

For Petitioners	:	Shri Badruddin Khan, Advocate
For State	:	Shri P. Acharya and Ms. Abhyunnati Singh, Panel Lawyers.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.10.2019

1. Since the issues raised and the orders impugned being common in both the writ petitions, both the writ petitions are being disposed of by this common order.
2. Challenge in these writ petitions is to the order dated 11.03.2019 (Annexure P/1). Vide the said order, the Land Acquisition Tribunal, Raipur (in short, the Tribunal) has rejected the claim application of the petitioners holding it to be not maintainable granting liberty to the petitioners to

approach the concerned District Court for raising Reference under Section 18 of the Land Acquisition Act, 1894.

3. The contention of the petitioners is that, the order of the Tribunal is incorrect to the extent that the claim of the petitioners also was for an appropriate order under Proviso to Sub Section 2 of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
4. This court on perusal of claim applications that the petitioners have made, found that the substantial relief that the petitioners have sought for was for enhanced rate of compensation in respect of land which were acquired by the respondents. The substantial relief drawn by the petitioners itself shows that the petitioners were more aggrieved of the fact that the compensation paid to them was inadequate and it ought to be enhanced substantially.
5. In that application, there is just a passing contention in respect of proceeding under the old Act getting lapsed on the ground that petitioner's possession has not been taken. That was infact not the substantial relief that the petitioners have claimed for.
6. Under the circumstances, since the claim of the petitioners substantially was for enhancement of the compensation, the findings of Tribunal cannot be held to be bad or erroneous in any manner.
7. Accordingly, reserving the right of the petitioners to act in accordance with advise given by the Tribunal, both the writ petitions stand disposed of.

Sd/-
(P. Sam Koshy)
Judge