

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 156 of 2019

1. South Eastern Coal Fields Limited Through Managing Director, Basant Vihar, Seepat Road, Sarkanda, District- Bilaspur, Chhattisgarh.
2. The Chief General Manager S.E.C.L. Baikunthpur Project, District- Koriya, Chhattisgarh.
3. The Senior Manager (Mining) S.E.C.L. Baikunthpur Project, District- Koriya, Chhattisgarh

---- Applicants

Versus

1. Dhaneshwar Singh S/o Indra Jeet Aged About 35 Years R/o Village Bhaskarpra, Post Badhsara, Tahsil Bhaiyathan, District- Surajpur, Chhattisgarh
2. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
3. The Collector Baikunthpur, District- Koriya, Chhattisgarh
4. The Sub Divisional Officer (R) Baikunthpur, District- Koriya, Chhattisgarh
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad, Gujarat
6. M/s Grasim Industries Ltd. P. Aditrapuram Via Shambhupura, District- Chittorgarh, Rajasthan

---- Non-applicants

with

REVP No. 133 of 2019

1. South Eastern Coal Fields Limited Through Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur, Chhattisgarh.
2. The Chief General Manager S.E.C.L. Bhikunthpur Project, District Koriya Chhattisgarh.
3. The Senior Manager (Mining) S.E.C.L. Baikuntpur Project, District Koriya Chhattisgarh.

---- Applicants

Versus

1. Bharat Singh S/o Rupan Singh Aged About 35 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.

2. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
3. The Collector Baikunthpur, District Koriya, Chhattisgarh.
4. The Sub Divisional Officer (R) Baikunthpur, District Koriya, Chhattisgarh.
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad, Gujarat.
6. M/s Grasim Industries Ltd P. Aditipuram Via Shambhupura, District Chhattorgarh, Rajasthan.

---- Non-applicants

with

REVP No. 134 of 2019

1. South Eastern Coal Fields Limited Through Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur, Chhattisgarh.
2. The Chief General Manager S.E.C.L. Baikunthpur, Project, District Koriya, Chhattisgarh.
3. The Senior Manager (Mining) S.E.C.L. Baikunthpur, Project, District Koriya, Chhattisgarh.

---- Applicants

Versus

1. Vikram Singh S/o Chunnusingh Aged About 35 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.
2. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
3. The Collector Baikunthpur, District Koriya, Chhattisgarh.
4. The Sub Divisional Officer (R) Baikunthpur, District Koriya, Chhattisgarh.
5. M/s Election (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad, Gujarat.
6. M/s Grasim Industries Ltd. P. Aditipuram Via Shambhupura, District Chhattorgarh, Rajasthan.

---- Non-applicants

with

REVP No. 135 of 2019

1. South Eastern Coal Fields Limited Through Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur, Chhattisgarh.

2. The Chief General Manager S.E.C.L. Baikunthpur Project, District Koriya, Chhattisgarh.
3. The Senior Manager (Mining) S.E.C.L. Baikunthpur, Project, District Koriya, Chhattisgarh.

---- Applicants

Versus

1. Balmati S/o Jannu Singh Aged About 45 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Baiyathan, District Surajpur, Chhattisgarh.
2. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
3. The Collector Baikunthpur, District Koriya, Chhattisgarh.
4. The Sub Divisional Officer (R) Baikunthpur, District Koriya, Chhattisgarh.
5. M/s Electrotherm (India) Ltd. 72, Palodia Via Thaltej, Ahmedabad (Gujarat)
6. M/s Grasim Industries Ltd. P. Aditrapuram Via Shambhupura, District Chhittorgarh, Rajasthan.

---- Non-applicants

with

REVP No. 149 of 2019

1. South Eastern Coal Fields Limited, Through Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur, Chhattisgarh.
2. The Chief General Manager, S.E.C.L, Baikunthpur Project, District Koriya, Chhattisgarh.
3. The Senior Manager (Mining), S.E.C.L, Baikunthpur Project, District Koriya, Chhattisgarh.

---- Applicants

Versus

1. Ramjeet Singh S/o Prem Sai Aged About 43 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.
2. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
3. The Collector, Baikunthpur, District Koriya, Chhattisgarh.
4. The Sub Divisional Officer (R), Baikunthpur, District Koriya, Chhattisgarh.

5. M/s Electrotherm (India) Ltd., 72, Palodia Via Thaltej, Ahmedabad (Gujarat)
6. M/s Grasim Industries Ltd P. Aditrapuram Via Shambhupura, District Chhittorgarh, Rajasthan.

---- Non-applicants

with

REVP No. 172 of 2019

1. South Eastern Coal Fields Limited Through Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur, Chhattisgarh.
2. The Chief General Manager S.E.C.L. Baikunthpur Project, District Koriya, Chhattisgarh.
3. The Senior Manager (Mining) S.E.C.L. Baikunthpur Project, District Koriya, Chhattisgarh.

---- Applicants

Versus

1. Balam Singh S/o Indal Singh Aged About 43 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.
2. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
3. The Collector Baikunthpur, District Koriya, Chhattisgarh.
4. The Sub Divisional Officer (R) Baikunthpur, District Koriya, Chhattisgarh.
5. M/s Electrotherm (India) Ltd. 72, Palodia, Via Thaltej Ahmedabad (Gujarat).
6. M/s Grasim Industries Ltd. P. Adityapuram, Via Sambhupura, Chittorgarh, Rajasthan.

---- Non-applicants

with

REVP No. 173 of 2019

1. South Eastern Coal Fields Limited Through Managing Director, Basant Vihar, Seepat Road, Sarkanda District Bilaspur, Chhattisgarh.
2. The Chief General Manager, S.E.C.L. Baikunthpur Project, District Koriya, Chhattisgarh.
3. The Senior Manager (Mining), S.E.C.L. Baikunthpur Project, District Koriya, Chhattisgarh.

---- Applicants

Versus

1. Bhorelal S/o Rupan Singh Aged About 35 Years R/o - Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.
2. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
3. The Collector, Baikunthpur, District Koriya, Chhattisgarh.
4. The Sub Division Officer (R), Baikunthpur, District Koriya, Chhattisgarh.
5. M/s Electrotherm (India) Limited, 72, Palodia Via Thaltej, Ahmedabad (Gujarat).
6. M/s Grasim Industries Limited P. Aditrapuram Via Shambhupura, District Chhittorgarh, Rajasthan.

---- Non-applicants

For Applicants	:	Shri Anumesh Shrivastava, Advocate.
For Non-applicants No. 2 to 4	:	Shri Siddharth Dubey, Dy. Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P. R. Ramachandra Menon, Chief Justice****11.09.2019**

1. These review petitions have been filed by the Petitioners-Company who were the Respondents No. 4 to 6 in the writ petitions. The grievance is with regard to an observation made by the learned Judges in the second penultimate sentence of paragraph 8, which reads as follows:

“8. “In fact, the Central Government has now indicated in their order that the land will remain with the Appellant-SECL.”

2. The learned counsel for the Review Petitioners submits that the land was initially acquired under the relevant provisions of the Coal-Bearing Areas (Acquisition and Development) Act, 1957 (for short, 'Act of 1957') based on the

requisition made by the Review Petitioners. The procedural formalities were completed and awards were passed in favour of the persons from whom the land was acquired. Despite the fact that the Review Petitioner was ready to satisfy the compensation, some of the parties concerned did not turn up to accept the compensation. Years later, the said claimants approached this Court stating that the compensation was still to be released and that by virtue of statutory mandate, they were entitled to get interest @ 5% per annum, from the relevant date till satisfaction, particularly under Section 17 of the Act of 1957. The Review Petitioner contented that in the course of the proceedings, the property came to be re-allocated to two different Companies by name M/s Electrotherm (India) Ltd. and M/s Grasim Industries Ltd. (which subsequently came to be identified / amalgamated with M/s UltraTech Cement Ltd.), and this being the position, the Review Petitioner was no more liable to satisfy the compensation.

3. However, it is conceded that the 're-allocation' was subject matter of challenge before the Apex Court and as per the verdict passed by the Apex Court in the case of ***Manohar Lal Sharma vs. The Principal Secretary & Others*** in WP(Crl) No. 120 of 2012 dated 25.08.2014 the re-allocation was set aside. The verdict passed by the learned Single Judge was put to challenge at the instance of Review Petitioners by filing appeals such as W.A. No. 414 of 2017 and connected cases. Referring to the sequence of events and the relevant provisions of law, interference was declined and the appeals were dismissed as per judgment dated 27.08.2018, which is sought to be reviewed in these petitions.
4. The learned counsel for the Review Petitioner submits that the disputed observation made by the learned Judges as extracted above is not factually correct, insofar as the letter dated 15.11.2012 issued by the Central Government (copy of which has been produced alongwith covering memo)

does not say that the land will remain with the Review Petitioner-Company, but for stating that pursuant to the verdict passed by the Supreme Court, the re-allocation effected by the Central Government was virtually cancelled and that's all.

5. As a matter of fact, since the re-allocation was cancelled by the Apex Court as per the verdict aforesaid, it needed no further cancellation at the hands of the Central Government. However, it seems, the Central Government only wanted to correct its own records by causing the letter dated 15.11.2012 to be issued. The effect of re-allocation alone has been mentioned by the learned Judges while passing the verdict, with the disputed observation that “..... In fact, the Central Government has now indicated in their order that the land will remain with the Appellant-SECL”. Admittedly since the allocation was originally made in favor of the Review Petitioners and since the re-allocation effected in favour of some other Companies stands admittedly cancelled, the net result is that the property will remain with the original allottee *i.e.* the Review Petitioner, which alone has been made clear by the Bench while passing the judgment. We are of the view that there is 'no error apparent on the face of record', so as to invoke the power of review.
6. The Review Petitions fail. They are dismissed accordingly. It is however made clear that if the Review Petitioners are having any grievance that the property does not remain with them as on date, it is for them to take appropriate steps by moving the Central Government or such others to have appropriate remedy in accordance with law; for which the writ petitioners who lost the land, cannot be put to difficulty in any manner.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge