

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
REVP No. 191 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.

---- Petitioners

Versus

1. Hannu Singh S/o Maya Ram Aged About 61 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) Limited 72 Palodia Via Thaltej Ahmedabad, Gujrat.
6. M/s Grasim Industries Limited P. Aditrapuram Via Shambhupura, District Chhattisgarh, Rajasthan.

-----Respondents

For Petitioners	:	Shri Anumesh Shrivastava, Advocate.
For State	:	Shri Gagan Tiwari, Dy. Government Advocate.

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

Per PR Ramachandra Menon, CJ

16.10.2019

1. The review petition has 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 Petitioners were 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 Petitioners 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 Petitioners were 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 the petition.

4. The learned counsel for the Review Petitioners 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 favour 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 Petitioners, 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 Petition fails. It is 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 extent of relief in accordance with law; for which the writ petitioners who lost the land, cannot be made to suffer in any manner.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge