

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2532 of 2019**

Smt. Malti Patel W/o Hriday Lal Patel, Aged About 66 Years R/o Village Kalmi,
Tahsil And District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh ---

Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2534 of 2019

Hriday Lal Patel, son of Chamar singh, aged about 71 years, R/o Village Kalmi,
Tahsil and District Raigarh Chhattisgarh. ---

Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2538 of 2019

Baleshwar Patel, son of Hriday Lal Patel, aged about 49 years, resident of village
Kalmi, Tahsil and District Raigarh, Chhattisgarh ---

Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.

4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2541 of 2019

Kamla Patel, wife of Prohit Kumar Patel, aged about 51 years, Resident of Village Kalmi, Tahsil and District Raigarh --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager, National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2546 of 2019

Smt. Meena Choudhari wife of Sachidanand Choudhari, aged about 49 years, R/o village Bansiya, Tahsil & District Raigarh, Chhattisgarh --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2549 of 2019

Surujmati wife of Baleshwar Patel, aged about 46 years, R/o Village Kalmi, Tahsil and District Raigarh Chhattisgarh --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.

3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2550 of 2019

Lokesh Patel, son of Prohit Kumar Patel, aged about 16 years, Minor, through legal guardian grandmother Smt. Malti Patel, wife of Hriday Lal Patel, aged about 66 years, R/o Village Kalmi, Tahsil and District Raigarh Chhattisgarh.

--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2551 of 2019

Himanshu, son of Baleshwar Patel, aged about 19 years, R/o. Village Kalmi, Tahsil and District Raigarh Chhattisgarh.

--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2554 of 2019

Smt. Rekha Choudhari, wife of Manoj Choudhari, aged about 34 years, R/o Village Palgada, Tahsil Kharsia, District Raigarh Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2555 of 2019

1. Pawan Agrawal son of Mahaveer agrawal, aged about 40 years, R/o Village Sakti, Tahsil Sakti, District Janjgir Champa (C.G).
2. Manoj Agrawal, son of Mahaveer Agrawal, aged about 33 years, R/o Village Sakti, Tahsil Sakti, District Janjgir Champa (C.G). --- **Petitioners**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2556 of 2019

Lokeshwari Patel, Daughter of Prohit Kumar Patel, aged about 24 years, R/o. Village Kalmi, Tahsil and District Raigarh Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

WPC No. 2557 of 2019

Smt. Anand Choudhari, wife of Anil Choudhari, aged about 33 years, R/o. Village Bansiya, Tahsil and District Raigarh Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Sub Divisional Officer - Cum - Land Acquisition Officer, Raigarh District Raigarh Chhattisgarh.
4. General Manager National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh Chhattisgarh.--- **Respondents**

For the petitioners	:	Mr. Ishwar Jaiswal, Advocate
For the State/R-1 to R-3	:	Mrs. Richa Shukla, Dy. G.A., Mr. Ashish Surana, P.L., Mrs. Astha Shukla, P.L., and Mrs. Smitha Ghai, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2019

Heard.

1. Since the facts and grounds as also the relief(s) sought in all these petitions are almost similar, they are decided together by this common order.
2. The instant batch of the petitions has been filed on the ground that the petitioners have purchased the subject property bearing Kh.No.551/1 and part thereof in the year 2013 itself. It is contended that even after such purchase was made, the notification for acquisition was made in the year 2015 and the award was passed in favour of the

erstwhile owners who divested themselves of the ownership of the property and have transferred their right in favour of the petitioners. Therefore, the persons in whose favour the award has been passed were actually not entitled to receive the quantum and without disclosing the same, the award was passed. It is contended that since the petitioners had purchased the lands, the disbursement of amounts of award should have been made in their favour and accordingly the order may be passed.

3. A perusal of the record shows that the award was passed on 23.01.2017 and reading of the order would show that after notification, the process of acquisition initially commenced in the year 2015. The copy of the sale deeds which are on record show that the purchase was made prior to such notification was made on 22nd August, 2013 by the petitioners. Therefore, the virtual dispute is about the entitlement of amount of land compensation and as to whom the amount of award is payable. Section 76 of the *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013* would be relevant here, which reads thus :

“76. Dispute as to apportionment. When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the Authority.”

4. In the cases in hand, the amount of compensation has been settled. The petitioners herein do not dispute the quantum of the award but the

fact which remains for adjudication is as to whom the amount is payable on the ground that they have stepped into the shoes of the beneficiaries by purchase. Therefore, the petitioner(s) may file an application before the Collector raising dispute under section 76 of the Act, 2013. This Court in exercise of writ jurisdiction cannot adjudicate the rights as necessarily it will need to lead evidence of the parties. Consequently it is directed that if the petitioners raise a dispute u/s 76 of the Act before the Collector, the Collector may act according to the provisions of section 76 of the Act, 2013 and may refer such dispute to the authority and the authority may decide the same. In the meanwhile, till the dispute is decided, no further disbursement shall be made as it will lead to multiplicity of the litigation.

5. With the above observations, all these petitions stand disposed of.

Sd/-
(Goutam Bhaduri)
Judge