

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2562 of 2019

Vedant S/o Baleshwar Patel, Aged About 20 Years, R/o Village
Kalmi, Tahsil And District Raigarh (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Raipur, District Raipur (C.G.)
2. Collector, Raigarh, District Raigarh (C.G.).
3. Sub Divisional Officer-cum-Land Acquisition Officer, Raigarh, District Raigarh (C.G.)
4. General Manager, National Thermal Power Corporation Limited (Coal Mining Project Railway Line) Gharghoda, District Raigarh (C.G.)

-- Respondents

For petitioner- Shri Ishwar Jaiswal, Advocate.
For State-Shri Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2019

Heard.

1. Learned counsel for the petitioner submits that similar issue has been decided in WPC No.2532/2019 and other connected matters which is not disputed by learned State counsel.
2. This court in WPC No.2532/2019 and other connected matter has passed the following order:-

“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.

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.

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.”

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.”

3. It is ordered accordingly. Aforesaid order shall also govern in this petition.
4. In view of the above, this petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

