

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1561 of 2009**

Diler Singh Hora, aged about 51 years, S/o Shri Jeet Singh, R/o
Devendra Nagar, Raipur Tehsil And District - Raipur C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Revenue, Mantralaya,
DKS Bhawan, Raipur, Chhattisgarh
2. Collector, Raipur, Distt. Raipur, Chhattisgarh
3. Officer in Charge, Land Acquisition Branch, Collectorate Raipur,
Chhattisgarh
4. Sub-Divisional Officer, Revenue-Cum-Land Acquisition Officer,
Raipur
5. The Chief Executive Officer, Naya Raipur Development Authority,
Raipur District - Raipur C.G.

....Respondents

For Petitioner	:	Mr. Saurabh Sharma, Advocate
For State/Respondent No.1 to 4	:	Mr. Alok Bakshi, Additional A.G.
For Respondents No.5	:	Mr. B.D. Guru, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06.08.2020**

Heard.

1. This petition has been filed by the petitioner challenging application under Section 4(1), Section 17(1) and Section 6(1) of the Land Acquisition Act issued from time to time in the years 2007 and 2008. During the pendency of this petition, the land acquisition proceedings were completed and an award was also passed on 07.04.2010. The petitioner was protected by interim order dated 01.04.2009 to the effect that till the next date of hearing, no coercive steps shall be taken against him. During the pendency of the petition, the petitioner submitted an application on

09.07.2012 before the authorities claiming appropriate compensation.

2. An application for appropriate direction has now been moved on 15.03.2020 that the petition itself may now be disposed off with the direction to the respondent to take necessary steps for making reference under Section 18 of the Land Acquisition Act.

3. During the course of argument, learned counsel for the petitioner clearly stated that now the petitioner, in view of subsequent developments, is no longer interested to continue with the challenge as far as land acquisition is concerned, however, the petitioner confines his grievance only with respect to the amount of compensation paid to him. He would submit that though he submitted application on 09.07.2012 for making a reference under Section 18 of the Land Acquisition Act, 1894, the application has been kept pending without any proceeding on the pretext that a writ petition challenging the award and proceedings is pending before this Court. He submits that at this stage, the petitioner would be satisfied if this petition is disposed off with a direction for consideration of his application under Section 18 of the Land Acquisition Act.

4. Learned Additional Advocate General and counsel for the Development authority would submit that the award was passed on 07.04.2010 whereas application for making reference has been filed after more than 2 years on 09.07.2012 therefore, the application itself would not be maintainable.

5. The petitioner approached this Court even before passing of the award by filing instant writ petition, wherein, he was protected by an interim order passed by this Court on 01.04.2009 which is still continuing. The award came to be passed later on 07.04.2010. It appears that later on, the petitioner decided not to challenge the land acquisition proceeding but confined his claim only to the extent of compensation offered and paid to him. For this purpose, he has submitted application on 09.07.2012.

6. Therefore, this Court is inclined to condone the delay, if any, in submitting application under Section 18 of the Land Acquisition Act by the petitioner. It would be just and proper that atleast petitioner's claim for

consideration is determined by competent authority under the law existing as on the date of passing of the award i.e 07.04.2010. The application which was submitted before the Land Acquisition Officer shall be forwarded to the Collector.

7. In view of the above, as far as petitioner's claim of challenge to institution of land acquisition proceeding and award dated 07.04.2010 is concerned, is dismissed. However, petitioner's claim for enhanced compensation may be considered by the Collector in exercise of its power under Section 18 of the Land Acquisition Act, 1894 and appropriate proceedings of making reference may be drawn.

8. With the aforesaid limited direction, the petition is now finally disposed off. The interim order also stands vacated.

Sd/-
(Manindra Mohan Shrivastava)
Judge