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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4958 of 2010**

- Pawan Sharma S/o Vimal Sharma, R/o Hatri Chowk, Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Special Secretary, Department Of Commerce And Industry, Raipur, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Collector, Raigarh, Collectorate, Raigarh [Branch Land Acquisition], CG.
3. The Sub-Divisional Officer, Gharghoda, Distt. - Raigarh (CG) [The Land Acquisition Officer]
4. The General Manager, District Industries and Trade Centre, Raigarh, CG
5. M/s Raigarh Iron Industries Ltd. Gharghoda Road, Village – Punji Pathra, District – Raigarh (CG)
6. The Chairman / Managing Director, Chhattisgarh State Industrial Development Corporation, Pandri, Raipur (CG)

---- Respondents**WPC No. 4306 of 2010**

- Kailash Sharma S/o Dulichand Sharma, R/o Jindal Road, Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Special Secretary, Department Of Commerce And Industry Raipur, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Collector, Raigarh, Collectorate, Raigarh [Branch Land Acquisition], CG.
3. The Sub-Divisional Officer, Gharghoda, Distt. - Raigarh (CG) [The Land Acquisition Officer]
4. The General Manager, District Industries and Trade Centre, Raigarh, CG
5. M/s Raigarh Iron Industries Ltd. Gharghoda Road, Village – Punji Pathra, District – Raigarh (CG)
6. The Chairman / Managing Director, Chhattisgarh State Industrial Development Corporation, Pandri, Raipur (CG)

---- Respondents

WPC No. 5202 of 2010

- Nizamuddin Rangrej S/o Allauddin Aged About 58 Years Caste Moha Madan, R/o Danipara, Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Special Secretary, Department Of Commerce And Industry Raipur, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Collector, Raigarh, Collectorate, Raigarh [Branch Land Acquisition], CG.
3. The Sub-Divisional Officer, Gharghoda, Distt. - Raigarh (CG) [The Land Acquisition Officer]
4. The General Manager, District Industries and Trade Centre, Raigarh, CG
5. M/s Raigarh Iron Industries Ltd. Gharghoda Road, Village – Punji Pathra, District – Raigarh (CG)
6. The Chairman / Managing Director, Chhattisgarh State Industrial Development Corporation, Pandri, Raipur (CG)

---- Respondents

For Petitioners	:	Shri N.K.Malviya, Advocate
For State	:	Shri Alok Bakshi, Addl. Adv. Gen. with Ms. S. Harshita, Panel Lawyer for the State
For Respondent No.6	:	Shri Sachidanand Yadav, Advocate under instructions from Shri Kashif Shakeel, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****08/01/2020**

This common order shall govern disposal of above three writ petitions.

A notification under Section 4 (4) of the Land Acquisition Act, 1894 (for short 'the Act of 1894') was issued on 04/08/2008 proposing acquisition of land of the petitioners in the aforesaid three writ petitions, which are situated in Village – Punji Pathra, Tamnar Tahsil –Gharghoda, District – Raigarh. The public purpose stated for acquisition was industrial need of M/s. Raigarh Iron Industries Ltd., Unit-II. After publication of notification under Section 4, drawing proceedings under the then Land Acquisition Act, notification under Section 6 was also issued. In the case of Pawan

Sharma [W.P(C) No.4958/2010], notification under Section 6 was issued on 12/09/2008.

2. In the case of Nizamuddin Rangrej [WP(C) No.5202/2010], notification under Section 6 was issued on 12/09/2008 whereas in the case of Kailash Sharma [WP(C) No.4306/2010], notification under Section 6 was issued on 23/09/2008. In all the cases, notifications under Section 6 were published in the official gazette on 26/09/2008.

3. However, in the meantime, the authority proposed change of the purpose for acquisition. As against stated purpose in notification dated 04/08/2008, under which, public purpose stated was industrial need of M/s. Raigarh Iron Industries Ltd., Unit-II, the State Government directed for amendment of the public purpose of acquisition. The new stated public purpose for which the acquisition was proposed, was acquisitioned in the name of General Manager, District Industries Centre, Raigarh.

4. Upon receipt of such direction from the Government, the Officer Incharge of the Land Acquisition, Raigarh passed an order on 07/11/2009 (Annexure P/11 in WPC No.5202/10) that as the purpose for acquisition of land has now been modified under the directions of the State Government, necessary instructions would be essential. Thereafter, the Collector, Raigarh also communicated to the State Government vide his memo dated 19/05/2010. Though, the earlier notification under Section 4 and 6 related to acquisition of land for a private company, the Government was requested to issue necessary guidelines and instructions as to what further course of action is required to be adopted.

5. However, before the State Government could take any decision in the matter, the petitioners in the aforesaid three writ petitions filed their respective petitions before this Court challenging land acquisition proceedings mainly on the ground that though in the beginning, the land acquisition proceedings were initiated for a

particular stated public purpose, in the midst of proceedings as the public purpose itself was modified, land acquisition proceedings could not continue any further and the Collector had rightly brought it to the notice of the State Government to decide further course of action and accordingly instruct the land acquisition authorities.

6. Learned Additional Advocate General, at this stage, submits that the petitioners approached this Court even before the State Government could take decision in the matter. He also drew attention of this Court to order dated 16/07/2010 passed in WPC No.3507/2010 filed by M/s. Raigarh Iron Industries Ltd. wherein the writ petition was disposed off with a direction to the State to decide representation of the petitioner. He would submit that in the return, the State has not stated regarding decision, if any, taken on the communication sent to it by the Collector, in view of the change in the stated public purpose and that no award could be passed all these years because there is interim order passed by this Court in all the cases.

7. It is quite apparent from the records of the case that the notification was earlier issued for acquisition of land for a particular public purpose which was for M/s. Raigarh Iron Industries Ltd, Unit-II. A subsequent communication made by the Collector on 19/05/2010, however, was that the State Government had issued a direction for amendment of public purpose for which, acquisition was to be made. It was in the light of this change of public purpose that the Collector sought instructions from the State Government.

8. The State, neither in its reply nor even today is in a position to clearly state as to the decision taken in the case pursuant to communication dated 19/05/2010.

9. In that view of the matter, at this stage, all these petitions are disposed off with a direction to the State Government to examine the whole matter particularly taking into consideration that in the present case, the public purpose for which land

acquisition proceedings were initiated, has been proposed to be changed. This course of action would be proper because in the writ petition filed by M/s. Raigarh Iron Industries [WPC No.3507/10], a direction has already been issued by this Court for consideration of representation way back in the year 2010.

10. In the result, all these petitions are disposed off with a direction to the State Government to examine the whole matter and take appropriate decision in the matter. The State shall do well to take decision one way or the other, within a period of three months from the date of receipt of copy of this order.

Sd/-

(Manindra Mohan Shrivastava)
Judge