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HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 259 of 2020**

- Raipur Development Authority 2nd Floor, Bhakta Matakarma Commercial Complex, New Rajendra Nagar, Raipur, C.G. through Chief Executive Officer.

-----Applicant**VERSUS**

1. Smt. Vijay Laxmi Sharma, W/o late Govind Prasad Sharma, aged about 60 years, R/o Deepak House, Jalgrih Marg, Tikrapara, Raipur C.G.
2. Smt. Pushpalata Chaturvedi W/o Ramesh Chandra Chaturvedi, D/o Late Ram Gopal Sharma, R/o Deepak House, Jalgrih Marg, Tikrapara, Raipur C.G.
3. Smt. Ashalata Mishra, W/o Jagdamba Prasad Mishra, D/o late Ram Gopal Sharma, R/o 13-B, Babaram Ghosh Lane, Kolkata, West Bengal
4. Prakash Sharma W/o Late Ram Gopal Sharma, R/o Deepak House, Jalgrih Marg, Tikrapara, Raipur C.G.
5. Deepak Sharma S/o late Ram gopal Sharma R/o Deepak House, Jalgrih Marg, Tikrapara, Raipur C.G.
6. State of Chhattisgarh, its Secretary, Ministry of Town and Country Planning, Secretariat, Capital Complex, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.

-----Respondents

For Applicant : Mr. Ashish Shrivastava, Advocate with Mr. Aman Saxena, Advocate.

For Respondents- 1 to 5 : Mr. B.P. Sharma, Advocate

For Respondent-6 : Mr. Gagan Tiwari, Deputy Government Adv.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per P.R. Ramachandra Menon, CJ.****08/06/2020**

1. Heard Mr. Ashish Shrivastava, learned counsel appearing for the Applicant as well as Mr. B.P. Sharma, learned counsel appearing for Respondent- 1 to 5 and Mr. Gagan Tiwari, learned Deputy Government Advocate representing the State.
2. The MCC has been filed by the Raipur Development Authority who was the 2nd Respondent in WPC No. 1308/2018, which came to be finalized by this Court as per common judgment dated 06-12-2019. Operative portion of the said judgment as given in paragraphs 45 and 46 are in the following terms:

“45. The RDA has effected the calculation and has issued crossed-cheques in favour of the landowners,

computing the land value in respect of similar plots of same size only with reference to the value as it existed on a prior date. This Court is of the view that, it is not sufficient to give effect to the unchallenged judgment dated 02.01.2008 in Writ Petition No. 1177 of 1985. The said judgment has to be taken as it is and it cannot be widened, nor can it be reduced in any manner. Because of non-availability of land under the 'Shailendra Nagar Scheme' and since RDA has proceeded to fix equal compensation payable in respect of the plots of same size, a re-computation has to be done by the RDA, fixing the value of the plots originally ear-marked in favour of the writ petitioners / landowners under the 'Shailendra Nagar Scheme No.27' as on the date of passing of the judgment i.e. as on 02.01.2008 in respect of the total area of 51,000 sq.ft. and after giving credit to the amounts already released, the balance shall be made available to the writ petitioners / landowners, with interest for the relevant period. For fixing the land value as above, it is for the Respondents to get it ascertained through the District Collector, Raipur, also considering the 'minimum value' fixed for registration of conveyances in the area for realisation of stamp duty as on that date, in terms of the relevant Rules. This exercise shall be done by the 1st Respondent, through the District Collector of Raipur and a speaking order, fixing the land value as on the date of judgment i.e. 02.01.2008, shall be intimated to the RDA / 2nd Respondent in the present writ petition i.e. WPC No. 1308 of 2018 within 'two months' from the date of receipt of a copy of this judgment. On fixing the land value as above, the RDA shall re-compute the compensation payable in respect of the total extent of 51,000 sq.ft. i.e. area of total lands which were to be allotted to the landowners and the same shall be disbursed to the individual landowners with interest for the relevant period, after giving credit to the amount already disbursed. This shall be done as expeditiously as possible, at any rate within 'one month' thereafter.

46. Considering the ordeal faced by the landowners / writ petitioners who have been pursuing various steps and proceedings to get their rights established from 1985 onwards, the huge expenses incurred by them under different heads, the arbitrary act on the part of the RDA in turning their back against the promise in allotting the ear-marked plots to the petitioners, while giving to the strangers / Respondents No.3 to 20 that too, virtually in violation of the interim order passed by the High Court of Madhya Pradesh which was continuing during pendency of proceedings before this Court, we are of the view that each of the petitioners is entitled to get 'compensation' as prayed for in prayer No. 'E' in Writ Petition No.1308 of 2018. We fix it as Rs.1,00,000/- (one lac) per petitioner. The said amount shall also be disbursed by the RDA along with the balance amount to be paid to them, as ordered above, within the time frame already fixed by this Court.”

3. The applicant in the MCC submits that, because of the various constraints, they could not raise sufficient funds and hence they want to have some more time and hence the MCC.
4. When the matter came up for consideration before this Court on 17-03-2020, we passed the following order.

“... The prayer sought for in the MCC is vehemently opposed by Shri B.P. Sharma, the learned counsel representing the private Respondents. The learned counsel submits that there is no proper application of mind from the part of the District Collector as to the fixation of the land value and the same is not in conformity with the specific direction given by this Court in the judgment.

The learned counsel representing the State seeks for time to get the particulars and to make appropriate submissions in this regard.

The learned counsel for the private Respondents also submits that, but for producing the Annexure A/5 and Annexure A/6 with regard to the financial commitment of the Raipur Development Authority to various Banks from whom loans have been availed, no specific version has been given as to the satisfaction of the amount due under the judgment. The bonafides will have to be established by causing to effect at least a portion of the liability because of the imminent necessity to have funds by the private Respondents.

Shri Ashish Shrivastava, the learned counsel for the Petitioner seeks to have a posting on Friday to get instructions and to make appropriate submissions. ...”

5. The matter was listed before this Court again on 23-03-2020, when further time was sought for to get instructions, in view of the declaration of 'lockdown' in the district Raipur, stating that the offices were not functioning. Hence the case was adjourned again.
6. Today, the learned counsel for the petitioner submits that the position has been deteriorated further. Coming to the prayer sought for, it will be worthwhile to have it extracted for easy understanding.

“It is, therefore, prayed that this Hon'ble Court may kindly be pleased to extend time for atleast six months to compliance of common order dated 06/12/2019 (para 45-46) passed by the Hon'ble Court in MA No.61/2013 and WPC No.1308/2018, in the interest of justice.”

7. Obviously, the judgment was passed on 06-12-2019. 'Six months' have already expired on 05-06-2020. As such, the prayer for further extension stands turned down.

MCC stands disposed of accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Pawan