

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 398 of 2020

Mahesh Bhagat S/o Late Shri Prem Lal Bhagat, Aged About 34 Years
R/o Village Banjikhoh, Tahsil - Tamnar District - Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management Mahanadi Bhawan New Raipur District - Raipur Chhattisgarh.
2. Collector Raigarh, District - Raigarh Chhattisgarh.
3. Sub - Divisional Officer (Revenue) Cum - Land Acquisition Officer Gharghoda District - Raigarh Chhattisgarh.
4. Tahsil Tamnar District Raigarh Chhattisgarh.
5. M/s Hindalco Industries Limited Gare - Pelma Iv/4 Block Banjikhoh Tahsil Tamnar District - Raigarh Chhattisgarh. Through Its General Manager Office At Banjikhoh Tahsil Tamnar District - Raigarh Chhattisgarh.

---- Respondents

For Petitioner	: Shri T.K. Jha, Advocate.
For Respondents No.1 to 4	: Shri D.P. Singh, Dy. A.G.
For Respondent No.5	: Shri B.D. Guru, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-3-2021

Heard.

1. This petition under Article 227 of the Constitution of India has been brought praying to quash the order dated 21.7.2020 passed by the Tehsildar directing the petitioner to vacate the house in his possession.
2. It is submitted by counsel for the petitioner that the petitioner was owner of two houses. Both the houses have been acquired by respondent No.1 – State of Chhattisgarh for the industry of respondent No.5 – M/s. Hindalco Industries Limited. The petitioner has been paid compensation

for one of his house which he has vacated and the other house in which he is presently residing has not been compensated so far. Therefore, the impugned order for eviction is erroneous. It is also submitted by counsel for the petitioner that Sarpanch of Gram Panchayat Banjikhohol given a certificate to this effect that the petitioner is owner of two houses and he has received compensation for only one house. It is further submitted that Annexure – R 5/9 filed by respondent No.5 also mentions in the note that the compensation for the house has been given to the brother of this petitioner, namely, Subran Bhagat and no compensation was paid to the petitioner. It is also submitted that the compensation that has been ordered for the lands acquired does not include the solatium. Hence, the order of the eviction is illegal which may be quashed.

3. Learned counsel for respondent No.5 opposes the petition and the submissions made in this respect. It is submitted that the order impugned is not an order passed against respondent No.1. The person affected in the impugned order is one Pushram Bhagat. The said Pushram Bhagat has filed W.P.(C) No. 1426 of 2020, which has been disposed off by order dated 22.7.2020 and the copy of the same has been filed as Annexure - R 5/1. It is further submitted that the compensation order can be challenged under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013'). It is also submitted that the petitioner has no cause of action for filing this petition. In case, the petitioner has any grievance with the order of compensation then he has remedy available under Section 64 of the Act, 2013, therefore, the petition is not maintainable and the petitioner is not entitled for any relief.

4. Learned State counsel appearing for respondents No.1 to 4 opposes the submissions and submits that the petitioner has no cause of action, therefore, the petition be dismissed.
5. Considered the submissions. The impugned order Annexure – P/1 is clearly not against the petitioner, therefore, his prayer for setting aside the same in this petition is without any basis. Considering the fact that the petitioner has remedy to address his grievance under Section 64 of the Act, 2013, I am of this view that this petition is without any basis which is liable to be dismissed.
6. Hence, the petition is dismissed at motion stage.

Sd/-
(Rajendra Chandra Singh Samant)
Judge