

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 147 of 2021**

NTPC Limited, Lara Super Thermal Power Project Through Shri Shakil Ahmed, S/o Late Sri Abdul Azim, Aged About 40 Years, Senior Manager (R & R), NTPC Lara Super Thermal Power Project, Chhapora, Tahsil Pussore, District Raigarh, Chhattisgarh

---- Applicant**Versus**

1. Saroj Kumar Nayak S/o Shri Balmukund Nayak, Aged About 28 Years R/o Village Aadmuda, Post Mahloi, Tahsil Pussore, District Raigarh Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasod, District Raipur, Chhattisgarh
3. District Collector, Collectorate, Raigarh, District Raigarh, Chhattisgarh
4. Praveen Sidar S/o Faguram Sidar, R/o Village Chhappora, P.O. Chappora, Tehsil Pussore, District Raigarh, Chhattisgarh

---- Respondents

For Applicant	:	Mr. B. D. Guru, Advocate
For Respondent no.1	:	Mr. Ajay Shrivastava, Advocate
For State/Respondents 2 & 3	:	Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.11.2021**

1. The review has been sought against the order dated 26.08.2021 passed in WPS No. 4419/2021 which was preferred by respondent no.1. Vide the said order dated 26.08.2021, this Court had dismissed the writ petition.
2. It has been informed at bar by the counsel appearing on either side

that the writ appeal subsequently preferred against the said order dated 26.08.2021 also stood dismissed vide Writ Appeal No. 267/2021 decided on 13.09.2021.

3. Though the writ petition and the writ appeal have been dismissed, the present review petition has been filed seeking for clarification to the observations made in paragraphs 4 & 5 of the order dated 26.08.2021. The observations made in paragraphs- 4 & 5 by this Court while dismissing the writ petition are reproduced hereinunder:

“4. From the admitted factual matrix of the case, admittedly the property which came in to ownership of the respondent no.4 belonged to his father prior to 2011 i.e. in the name of Faguram Sidar. The property was partitioned in the year 2011 and thereafter it fell in the share of the respondent no.4 that is how the respondent no.4 became the title holder of the suit property⁷ from 2011 onwards. Under the policy, employment could be given either to the owner or a joint owner of the acquired land. Since there is no dispute that the property originally stood in the name of father of the respondent no.4 and it is this land which stood acquired which in due course by way of partition fell in the name of respondent no.4 who is the son of original owner of the property, the respondents seem to have found the respondent no.4 eligible for claiming employment as a nominee of Fagu Ram Sidar, the original owner.

5. Undoubtedly, prior to 2011 the respondent no.4 in the capacity of the son of Fagu Ram Sidar was a joint owner of the said property and on that ground also the respondent no.4 was eligible for claiming employment against the land which stood acquired of his.”

4. The contention of the learned counsel for applicant is that there is all likelihood and apprehension that the observations made in paragraphs – 4 & 5 could be misused by other claimants also seeking employment under the rehabilitation policy applicable in NTPC.

According to the counsel for applicant, the respondent no.4 in the present review petition has been considered for employment only on account of the property standing in his name and not on the basis of he being a joint owner of the property or the property being owned by his father. Therefore, the observations made by this Court may not be construed by other claimants raising claim for employment in lieu of land acquired on the basis of the same being a joint holder of the property belonging to their father.

5. Considering the fact that the writ petition stood dismissed and which has further been affirmed by the Division Bench, this Court is of the opinion that the necessity which has led to the filing of the present review petition is only on the basis of certain apprehension. This Court thus makes it clear that the observations made in paragraphs – 4 & 5 of the order dated 26.08.2021 passed in WPS No. 4419/2021 should not under any circumstances be considered as a precedent or any principle laid down by this Court for the purpose of claiming employment in lieu of land acquired. Each case shall have to be considered by the respondent-authorities on its own merits in terms of the rehabilitation policy governing the filed at the time of acquisition.
6. With the aforesaid observation the review petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge