



2024:CGHC:29909

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2067 of 2022

1. Ku. Siddhi Jain D/o Shri Niraj Jain, Aged About 20 Years R/o Rajniketan,
Circuit House Road, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

---- Petitioner

versus

1. Competent Authority Cum Additional Collector (Land Acquisition Officer
Under Indian Railway Act), Jagdalpur, District : Bastar(Jagdalpur),
Chhattisgarh

2. Sub Divisional Officer Cum Land Acquisition Officer, Jagdalpur, District :
Bastar(Jagdalpur), Chhattisgarh

3. South Eastern Central Railway Through General Manager, District :
Bilaspur, Chhattisgarh

4. Chief Administrative Officer (Construction), South Eastern Central
Railway, District : Bilaspur, Chhattisgarh

5. Director, Bastar Railway Private Limited, District : Raipur, Chhattisgarh

6. The Arbitrator (Under Railway Act) Cum Commissioner, Bastar Division
At Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

WPC No. 3047 of 2022

1. Niraj Jain S/o Shri P.C. Jain, Aged About 50 Years R/o Rajniketan,
Circuit House Road, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

----Petitioner

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Versus

1. Competent Authority Cum Additional Collector (Land Acquisition Officer
Under Indian Railway Act) Jagdalpur, District : Bastar(Jagdalpur),
Chhattisgarh

2. Sub Divisional Officer Cum Land Acquisition Officer, Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

3. South Eastern Central Railway Through General Manager, Bilaspur (Chhattisgarh)

4. Chief Administrative Officer (Construction), South Eastern Central Railway, Bilaspur (Chhattisgarh)

5. Director, Bastar Railway Private Limited, Raipur (Chhattisgarh)

6. The Arbitrator (Under Railway Act) Cum Commissioner, Bastar Division At Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Petitioners :Mr. Achyut Tiwari, Advocate.
For State :Mr.Praveen Das, Dy.Adv. General.
Fro Respondents No.3 & 4:Mr. Ramakant Mishra, Dy. Solicitor General.

S.B.:Hon'ble Shri Justice Parth Prateem Sahu
Order On Board

08/08/2024

1. Petitioners have filed this writ petition seeking following reliefs:-

“10.1 That, this Hon’ble Court may kindly be pleased to call for the entire record pertaining to the case of petitioners.

10.2 That, the Hon’ble Court may kindly be pleased to quash/set aside the impugned order dated 21.02.2022 (Annexure-P/1) and the entire proceedings passed by the respondent No.6 in Appeal Case No.201902950100007/31/A-82/2018-19 and aslo kindly maintain/restore the order dated 28.06.2019 (Annexure-P/7) passed by the respondent No.6, in the interest of justice.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to comply the order dated 28.06.2019 (Annexure - P/7) and to complete the proceedings within any stipulated time as to be decided by this Hon'ble Court, preferably within a period of one month, in the interest of justice.

10,.4 That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deem fit and appropriate in the facts and circumstances of the case."

2. During course of argument, learned counsel for the petitioners submits that petitioners may be permitted to submit a representation before respondent No.1 and direction be issued to consider and decide the representation in accordance with law.
3. Learned counsel for respondents No.3 & 4 would submit that the award passed by the Land Acquisition Officer was put to challenge before the authorities and writ petitions were filed before this Court. All the writ petitions came up for consideration and decided vide order dated 10.1.2022. In the said order, the award dated 12.2.2018 passed by the competent authority was set aside. He submits that against the order passed in WP(Cr.) No.674/2019 and connected matters, writ appeal was filed which was dismissed. Against the order passed in writ appeal aggrieved persons have already filed SLP before Hon'ble Supreme Court, which is pending consideration.

4. In the aforementioned facts and circumstances of the case when the claim of petitioner is based on award dated 12.02.2018, which is set aside by the High Court in WP(Cr.) No.674 of 2019 and connected matters by which the petitioners were also awarded compensation, and the case is pending before Hon'ble Supreme Court for adjudication, no relief as prayed for by the petitioner can be granted in this writ petition, at this stage.
5. Accordingly, writ petition is dismissed. However, petitioners will be at liberty to avail other efficacious remedy available to him after decision of Hon'ble Supreme Court in the pending SLP
6. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Nisha