

WP-14375-2009

(SMT.POURA BAI Vs SECRETARY THE STATE OF MADHYA PRADESH)

15-12-2010

Shri Devendra Shukla, learned counsel for the petitioner.

Shri A.P. Singh, learned Govt. Advocate for the State.

Shri N.N. Mishra, learned counsel for the respondent No.7.

This writ petition though was filed in the year 2009 but on several occasions opportunity was extended to the respondents to file the return. The order sheet indicates that as a last opportunity time was allowed to the respondents to file the return, failing which their right to file the return was to be closed. Yet no return, whatsoever, has been filed.

The petitioner has claimed the following reliefs:

â□â□(i) This Hon'ble Court may kindly be pleased to direct the respondents to allot the government land equal lands to the acquired lands of the petitioner and other villagers whose lands have been acquired.

ii. If relief No.1 can not be granted then order of allotment of the government land to respondent No.7 Jaikaran Singh Patel Annexure P-5 and P-7 may kindly be quashed and appropriate action be taken against the person who is responsible for allotment of the government land to respondent No.7 Jaikararan Singh Patel.

iii. Any other appropriate relief which the Hon'ble Court deem fit and proper petitioner in the interest of justice.

iv. Cost and may also be saddled on the respondents.â□â□

So far as the first relief is concerned, the said relief is available to the petitioner only if any statutory provision is made in that respect. It is not disputed that under the provisions of M.P. Land Revenue Code, amendment has been made and it is provided that if the land of individual is acquired by the State Government for the public projects or for the public use, the said person may be granted proportionate alternative land if acceptable to him. However, it is not known whether the land of the present petitioner was acquired prior to coming into the force of the said amendment in the M.P. Land Revenue Code. To that extent, it would be appropriate to relegate back the matter to the Collector, Satna to examine the amended provisions of M.P. Land Revenue Code and in case it is found that the land of the petitioner was acquired prior to the coming into the force of the said amendment, to inform the petitioner accordingly. However, in case it is found that the land of the petitioner was acquired after coming into the force of the said amendment of M.P. Land Revenue Code, it would be an obligation on the respondents to consider the claim of the petitioner for allotment of alternative land in terms of the statutory provisions. Let that exercise be completed within a period of three months from the date of receipt of the certified copy of the order passed today.

This take the Court, to the relief No.2 claimed by the petitioner in the writ petition. Learned counsel

appearing for the respondent No.7 has stated that the amount of the compensation granted to him in view of the award for acquisition of his land, has already been deposited back to the respondent/State vide a challan in the State Bank of India. That fact is required to be verified by the Collector. In view of this, if any allotment of the land in favour of the respondent No.7 is made by the State, that cannot be said to be faulty. However, the said aspect as indicated herein above is required to be examined by the Collector and to take appropriate steps in respect of allotment of the land to the respondent No.7.

Nothing more is required to be said in the present writ petition which stand **disposed of** with the aforesaid direction.

(RAJENDRA MENON)
JUDGE