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IN THE HIGH COURT OF JUDICATURE AT BILASPUR :C.G.

WRIT PETITION No. 1132 /2001.

PETITIONERS

- ✓ 1. Dharmadhar Arya,  
Age- 55 years,  
S/o Anupam Arya,  
R/o B-121, Harmu Colony,  
Ranchi- Jharkhand,  
P.Code No.834012.
- ✓ 2. Smt. Vinita Arya,  
W/o Dharmadhar Arya,  
R/o B-121, Harmu Colony,  
Ranchi-Jharkhand,  
P.Code No.834-012.
- ✓ 3. Smt. Vimla Devi,  
D/o Dharmadhar Arya,  
R/o B-121, Harmu Colony,  
Ranchi- Jharkhand,  
P.Code No.834012.



VERSUS.

RESPONDENTS :

1. Industrial Development  
Authority,  
Through Secretary,  
Industries,  
State of Chhattisgarh,  
Raipur-Chhattisgarh.
- ✓ 2. State of Chhattisgarh,  
Through Chief Secretary,  
Govt of Chhattisgarh,  
Raipur-Chhattisgarh.

P. R. No. 1132 of  
Presented by Shri B. K. Sarker per for  
dated 2-7-01

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*[Signature]*  
**CLERK TO A.G. BILASPUR**

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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.**

**W.P. No. 1132 of 2001**

**PETITIONERS**

Dharmadhar Arya and others.

**Versus**

**RESPONDENTS**

Industrial Development Authority and another.

Shri Bhaskar Payasi, counsel for the petitioner.

Shri Ayaz Naved, counsel for the respondent No.1.

Shri Sushil Dubey, Govt. Advocate for the State/respondent No.2.

**ORAL ORDER**  
**(31/07/2012)**

Petitioners, claiming to be owner of several pieces of land at village Siltara, District - Raipur has preferred this writ petition seeking relief of declaration of ownership and possession; quashment of land acquisition award dated 23/03/1994; restraining the respondent from treating the subject land as vested in the industries department; commanding the respondent to continue the petitioner to be in possession of the land as owner thereof and in the alternative commanding the respondent to allot equivalent area of land in exchange of land held by the petitioner.

(2) Admittedly, award passed in March 1994 has been challenged by filing this writ petition in July, 2001 i.e. after more than seven years. Once an award is passed the subject land has been vested in the State Government free from all encumbrance and this Court in exercise of powers under Article 226 of the Constitution of India cannot be divest the State Government of the said land. It is equally settled that no mandamus can be issued contrary to the express provision of statute and neither a declaration contrary to and nullifying the effect of statutory provisions can be granted.

(3) In view of the above, none of the relief claimed in the writ petition can be granted to the petitioners.

(4) The writ petition being devoid of any substance is dismissed.

Sd/-  
Prashant Kumar Mishra  
Judge