

HIGH COURT OF MADHYA PRADESH : BENCH AT
INDORE
SINGLE BENCH : HON^âBLE SHRI JUSTICE S.C.
SHARMA

Writ Petition no. 9124/2014

Versus IVRCL LTD and another

Narmada Valley Development Authority and others

Writ Petition no. 873/2015

Versus Suresh Baroth and another

Narmada Valley Development Authority and others

Writ Petition no. 5018/2015

Versus Biharilal Puraiya and another

Narmada Valley Development Authority and others

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O R D E R

(Delivered on 29/02/2016)

Regard being had to the similar controversy involved in above cases, They have been heard analogously together with the consent of the parties and a common order is being passed in the matter. Facts of Writ Petition No. 9124/2014 are narrated as under:-

2 The petitioners before this Court, who are the Companies registered under the Companies Act, have filed the present writ petitions for quashment of the order dated 06/12/2014 passed by the Collector, Badwani, by which, he has directed the respondent no. 4 / land acquisition officer to register a FIR against those persons, who have committed irregularities in the matter of payment of compensation to the farmers.

3 Contention of learned counsel appearing for the

companies is that the petitioners' company was required to conduct survey and investigation for design purpose and after getting the design approved from the Competent Authority i.e. Narmada Valley Development Authority, the petitioners' company was required to submit the land acquisition cases to the officers of respondent no. 1 and the same has been done by the Company and at no point of time, the company was involved in malafide practices as stated by the Collector. It has been further stated that the Collector, while conducting a fact finding inquiry, has not granted any opportunity of hearing, to the company nor to the officers of the company and therefore, the direction given by the Collector is bad in law and deserves to be quashed.

4 On the other hand, learned Government Advocate has vehemently argued before this Court that in the matter of grant of possession, various frivolous claims were submitted to the Government / Narmada Valley Development Authority. The complete amount was not paid to the farmers and money was pocketed by various persons depriving the poor farmers to receive real benefits . It has been stated that facts finding inquiry was ordered in the matter and the Collector has submitted very exhaustive report to the Commissioner, Indore Division, Indore on 31/07/2014, which is the facts finding report in respect of Indira Sagar project, Lowergoi. His contention is that whether the officers of the company have committed any crime or not, can be looked into

during investigation and all possible opportunities will be granted to the accused persons.

5 This Court has carefully gone through the writ petition as well as the reply filed by the respondents.

6 In the present case, as a large number of irregularities took place in the matter of grant of compensation including the involvement of the banks and other persons. The fact finding inquiry was ordered in the matter as the land owners were duped by certain persons and the amount for which they were entitled, never reached them. There was a large scaled conspiracy, which took place in the matter as reflected from the fact finding report and based upon the fact finding report, the Collector has directed that the matter be reported to the police.

7 In the considered opinion of this Court, necessity of grant of opportunity of hearing in fact finding inquiry does not arise. The fact finding inquiry only deals with the irregularities, which took place in the matter of grant of compensation and in the matter of land acquisition.

8 Not only this, the petitioners shall be having an opportunity of hearing to place all documents before the police authorities , in case, a FIR is registered keeping in view the recommendations of the Collector. In the considered opinion of this Court, the question of restraining the Collector / police authorities from taking any action in the matter does not arise. The matter has to be investigated / probed thoroughly by the police as a

large number of innocent farmers have been duped by certain persons and the amount of compensation has never reached them or has not been given to them as prima facie the entire mechanism for disbursing the compensation was involved in duping the farmers.

9 Resultantly, this Court does not find any reason to interfere with the action taken by the Collector, who has simply directed the police to investigate the matter.

10 With the aforesaid observation, admission of the writ petition alongwith other connected petitions which are arising out of the same dispute is declined

Certified copy as per rules.

(S.C.SHARMA)
JUDGE