

The High Court Of Madhya Pradesh

MP-3066-2018

(MOHABBAT SINGH Vs LAND ACQUISITION OFFICER AND OFFICER INDIRA SAGAR)

Jabalpur, Dated : 29-06-2018

Shri Anil Kumar Tiwari, learned counsel for the petitioner.

Smt. Namrata Agrawal, learned Government Advocate for the respondents/State.

Learned counsel for the petitioner at the outset submits that the present case is covered by the judgment passed by this Court in **W.P.No.2297/2017** decided on 22.02.2017. It is submitted that in the present case also the case has been dismissed after reference for want of evidence. Since it is not in dispute that the controversy involved in the present case is covered in the order dated 22.02.2017 passed by a Co-ordinate Bench of this Court. This petition be also disposed of in light of the aforesaid order which has been passed relying on the judgment passed by the Apex Court in the case of *Khazan Singh (dead) by LRs Vs. Union of India (2002) 2 SCC 242*.

In view of aforesaid, the impugned order dated 01.07.2010 is set aside. The matter is remitted to the trial Court for adjudication of reference case. The decision shall be taken within a period of three months from the date of receipt of copy of the order.

It is made clear that in case reference is answered in favour of the petitioner, he will not be entitled for the interest from the date of the order because of the delay in filing of the petition against the impugned order.

With the aforesaid observations, the petition is allowed to be extend above. No order as to costs.

(VIJAY KUMAR SHUKLA)
JUDGE

Amitabh

Digitally signed by AMITABH RANJAN
Date: 2018.07.01 21:23:44 +0700