

(2022) 12 MP CK 0080
In the Madhya Pradesh High Court
Case No : Writ Petition No. 28855 Of 2022

Geetanjli Singh

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 14-12-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 64

Citation : (2022) 12 MP CK 0080

Hon'ble Judges : Sushrut Arvind Dharmadhikari, J

Bench : Single Bench

Advocate : Shraddha Verma, G.K. Patel

Final Decision : Disposed Of

Judgement

Sushrut Arvind Dharmadhikari, J

In this petition under Article 226 of the Constitution of India, the petitioner has challenged the order dated 10.10.2022 (Annexure P/3) passed by respondent No.3- Collector, District Satna (M.P.)

The petitioner is the owner of the land bearing Khasra No.365/3 area 0.052 Hectare situated at Village Itma Ubari, Tahsil Nagod, District Satna, which has been acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter shall be referred to as "The Act"). The award was passed on 28.10.2021. The petitioner came to know about the award in which the land belonging to the petitioner has been treated as non-irrigated, whereas the land of the petitioner is irrigated. The petitioner received the certified copy of the award on 18.10.2022. The grievance of the petitioner is that the competent authority has not determined the compensation in accordance with the provisions of law. Being aggrieved, the petitioner moved an application under Section 64(1) of the Act on the grounds mentioned therein. The application was filed on

27.07.2022. However, the Collector passed the impugned order on 10.10.2022. The application was rejected on the ground of the delay without entering into merits of the application. Hence, this petition.

Learned counsel for the petitioner submits that according to proviso to Section 64 of the Act, the Collector may entertain an application after the expiry of period of 30 days, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

Heard the learned counsel for the petitioner.

On perusal of the impugned order, it is seen the the Collector without taking into consideration the period of limitation has rejected the application holding that the application is beyond period of limitation. In the present case, it is an admitted fact that the award was passed on 28.10.2021. Thereafter, the petitioner had no knowledge about passing of the award. When it came to the knowledge of the petitioner, the petitioner applied for certified copy, which was received on 18.10.2022. However, the application was filed on 27.07.2022 without copy of the award. Meaning thereby, the application was filed well within the period of one year, which could have been condoned by the Collector.

In view of the aforesaid, the impugned order dated 10.10.2022 (Annexure P/3) cannot be allowed to stand. Accordingly, the same is hereby set aside. Matter is remanded back to the Collector, District Satna, for reconsideration of the application under Section 64 of the Act in accordance with law taking into consideration the reasons assigned for delay and pass a reasoned and speaking order as expeditiously as possible preferably within a period of 30 days from the date of receipt of certified copy of the order.

It is made clear that this Court has not expressed any opinion on the merits of the case.

With the aforesaid, the instant writ petition stands disposed of.