
(2022) 04 MP CK 0059

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 1861 Of 2022

Madhu Lata Pathak

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 23-04-2022

Acts Referred:

Constitution Of India, 1950 — Article 227
Right To Fair Compensation And Transparency In Land Acquisition Rehabilitation And Resettlement Act, 2013 — Section 64

Citation : (2022) 04 MP CK 0059

Hon'ble Judges : Nandita Dubey, J

Bench : Single Bench

Advocate : Sanjay Patel, C.M.Tiwari

Final Decision : Allowed

Judgement

Nandita Dubey, J

This petition has been filed under Article 227 of Constitution of India questioning the validity of order passed by Collector on 22/02/2022, whereby the Collector has rejected the application filed by the petitioner under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for initiating the reference against the award passed on 04/11/2019.

Learned counsel for the petitioner submits that the Collector has dismissed the reference application, on merits, on the ground that the compensation awarded by the Land Acquisition Officer is adequate and same has been accepted by the petitioner, hence, no reference lies against the said award.

Shri C.M.Tiwari, learned counsel appearing for the respondents has supported the order of the Collector and prays for dismissal of the petition. However, in my opinion, the Collector cannot adjudicate the issue raised by the petitioner for making reference and cannot decide the same on merits. Instead of doing so, it

was proper for the Collector to forward the reference to the appropriate authority for proper adjudication. The Collector has no right to adjudicate the reference and decide the same himself. Since by way of notification dated 8th September, 2016 the respective District Judge has been appointed as an appropriate Authority/Presiding Officer to entertain the reference, therefore, it can only be decided by the said Authority on merits.

Accordingly, the order passed by the Collector on 22/02/2022 is contrary to law and is not sustainable, therefore, the same is hereby set aside.

The matter is remitted back to the Collector for forwarding the reference to the appropriate authority as early as possible.

With the aforesaid, the petition filed by the petitioner is allowed.

Certified copy as per rules.