

(2020) 08 RAJ CK 0049
In the Rajasthan High Court
Case No : Civil Writ Petition No. 12083 Of 2019

Rajiv Sahai

APPELLANT

Vs

Land Acquisition And Ors

RESPONDENT

Date of Decision : 06-08-2020

Acts Referred:

Land Acquisition Act, 1894 — Section 30

Citation : (2020) 08 RAJ CK 0049

Hon'ble Judges : Mahendar Kumar Goyal, J

Bench : Single Bench

Advocate : Sudesh Bansal, Mohd. Adil

Final Decision : Disposed Of

Judgement

This writ petition has been filed seeking a direction for the Court of learned Senior Civil Judge, Jaipur Metropolitan Magistrate, Jaipur to decide the Reference No.29/2015 titled as Land Acquisition Officer versus G.S. Lodha & Ors. qua the petitioner expeditiously.

Learned counsel for the petitioner submitted that Land Acquisition Officer has, vide award dated 25.11.2014, assessed the compensation payable to the land holders wherein, the petitioner was held entitled for compensation of ₹ 10,38,542/- on acquisition of his plot No.115 measuring 329.07 square yards in Samrat Nagar Scheme Village Khokhawas, Tehsil Sanganer, Jaipur.

He submits that since it was a composite award for as many as thirty three land holders are there being dispute among some of the land holders as to entitlement to the compensation, the Land Acquisition Officer, vide its letter dated 18.05.2015, made a reference under Section 30 of the Land Acquisition Act, 1894 to the Court of learned Senior Civil Judge, Jaipur Metropolitan Magistrate, Jaipur and deposited the compensation with the learned Court. He submits that there is no dispute with regard to entitlement of the compensation payable to the petitioner; but, the reference being composite qua thirty three

land holders, no decision could be taken regarding his entitlement and he is deprived of the amount of compensation for last more than five years for no good reason.

Learned counsel for the petitioner further submits that his evidence is already over way back in April, 2016 and in these circumstances, prays for segregation of his claim and its expeditious disposal. He placed reliance upon judgment of the Hon'ble Apex Court in Mangat Ram Tanwar & Anr. versus Union of India reported in AIR 1991 Supreme Court 1080 in support of his submission.

Heard learned counsel for the petitioner and perused the record.

Since, there is no contesting respondent qua the right of the petitioner, this writ petition is being disposed off without issuing notices to the respondents who are proforma respondents, with the following directions:-

The learned Senior Civil Judge, Jaipur Metropolitan Magistrate, Jaipur shall endeavor to decide the Reference No.29/2015 titled as Land Acquisition Officer versus G.S. Lodha & Ors. expeditiously. If, expeditious disposal of the reference is not feasible for any reason, he is requested to segregate the claim of the petitioner and decide the same within a period of six months from the date of receipt of certified copy of this order.

In SB Civil Miscellaneous Application No.1/2020:-

In view of the order passed in the writ petition, no order is required to be passed on this application.

The application stands disposed off accordingly.