

(2013) 04 MP CK 0048
In the Madhya Pradesh High Court
Case No : Writ Petition No. 19135 of 2012

Ram Prasad

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 03-04-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 12, 12(2), 18

Citation : (2013) 04 MP CK 0048

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Advocate : B.K. Bais, for the Appellant; Rajesh Tiwari, learned Govt. Advocate, for the Respondent

Judgement

Rajendra Menon, J.—Petitioner has filed this writ petition challenging the order dated 22.3.2012 passed by the Collector, Singrauli on a representation preferred by the petitioner seeking enhancement of compensation in pursuance to the acquisition of land under the Land Acquisition Act, 1894. Similar orders passed by the Land Acquisition Officer and the question of rejection of representation identical in nature without reference u/s 18 of the Act have been considered by this Court in various cases and on 2.12.2011 in W.P. No. 20141/2011-Aatma Ram and another Vs. State of M.P. & Others following orders were passed by this Court:-

On 13.8.2010, Collector, Singrauli who was acting under direction of this Court in W.P. No. 5402/2010 dwelt upon the representation on merit and rejected the same holding that the petitioner is not entitled for enhancement and that the application is time barred. The aforesaid order passed by the Collector when tested on the anvil of Section 18, does not stand the test.

Section 18 of the Act, 1894 stipulates:-

18. Reference to Court.—(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be

referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector u/s 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

In the case at hand there is no material on record to show as to on which date notice u/s 12(2) of the Act of 1894 was issued. It cannot therefore conclusively said that an application for enhancement of compensation filed on 5.7.2009 was barred by time. Therefore, incumbent it was upon the Collector to have referred the matter for adjudication instead of dwelling upon it on merit. The said Section 18 of 1894 Act, the petitioner is justified in his grievance.

In view whereof the impugned order dated 13.7.2010 is hereby quashed with a direction to the Collector District Singrauli to refer the matter for enhancement of compensation for adjudication to Court as provided u/s 18 of the Act, 1894.

The petition is finally disposed of in above terms.

2. In the present case also as similar factual position is existing the Collector is directed to reconsider the matter in the light of the observations and directions already given by this Court under similar circumstances in W.P. No. 20141/2011 and thereafter proceed in accordance with law.

3. With the aforesaid, the petition stands disposed of c.c. as per rules.