
(2012) 12 MP CK 0093

In the Madhya Pradesh High Court

Case No : Writ Petition No. 794 of 2002

Shiv Shankar Shrivastava

APPELLANT

Vs

Jabalpur Development Authority and another

RESPONDENT

Date of Decision : 13-12-2012

Acts Referred:

Citation : (2012) 12 MP CK 0093

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : Avinash Zargar, for the Appellant; Prashant Singh with Shri Manas Verma, for the Respondent

Judgement

R.S. Jha

1. The petitioner has filed this petition praying for a direction to the respondents/ authorities to allot a plot of land in Scheme No. 11 in compliance of the decision taken by it. It is submitted by the learned counsel for the petitioner that the petitioner was owner of 2000 sq. ft. of land, that was a part of khasra no. 8/2, Mouja Ranipur, Patwari circle No. 25, Jabalpur which the petitioner had purchased from the erstwhile owner Smt. Manorama Bai Shukla. It is submitted that the said land was acquired by the Town Improvement Trust for the purpose of implementing Scheme No. 11 framed by them in the year 1976 and possession thereof was taken in the year 1977. Subsequently, the Town Improvement Trust has been dissolved and liability and assets thereof have been taken over by the Jabalpur Development Authority. It is stated that on 05.03.1986 the Joint Tribunal, All Town Improvement Trusts, State of M.P. passed an award in respect of the acquisition of the petitioner's land behind the back of the petitioner without impleading him as a party and in his place impleading Mrs. Manorama Bai Shukla, the erstwhile owner of the property. It is stated that prior to the passing of the award, the petitioner had approached the respondents objecting to taking over of his plot pursuant to which the respondent/JDA agreed to allot another plot to the petitioner in lieu of the petitioner's land that was acquired

but subsequently the respondents by their letter dated 07.12.1983 (Annexure P/5) offered to allot a plot to the petitioner in Scheme no. 5 instead of Scheme No. 11 which was refused by the petitioner.

2. It is submitted by the learned counsel for the petitioner that since then the petitioner has repeatedly been requesting the respondent/JDA to allot him the plot but they have failed to do so and have ultimately informed by communication dated 28.10.1999 (Annexure P/10) that they were willing to pay compensation for the petitioner's land in accordance with the award passed by the Tribunal. In view of the aforesaid facts and circumstances, it is prayed that the respondents be directed to allot the petitioner a plot in lieu of the land acquired by the respondents. He further clarifies at this stage that he is willing to accept a plot in any other scheme.

3. In view of the aforesaid facts and circumstances of the case this court by order dated 04.10.2012 had directed the parties to resolve the issue amicably. Pursuant to which the respondent/JDA by communication dated 19.10.12 proposed that they were willing to pay the petitioner compensation for his agricultural land as on the date it was acquired or in the alternative it was willing to offer him a developed plot equal to 20% of the petitioner land acquired by them as per their policy or price of the same or thirdly, to compensate the petitioner in terms of the award passed in the year 1986 along with the interest.

4. Though it is stated by the learned counsel for the petitioner that the said offer has not been accepted by the petitioner by his communication to the respondents dated 05.11.2012, he however, submits that the petition be disposed of giving liberty to the petitioner to exercise either of the three options and for that purpose to approach the authority.

5. In view of the aforesaid prayer and in terms of the communication dated 19.10.2012 issued by the J.D.A. to the petitioner submitting their offer for amicable settlement, copy of which is taken on record, the petition filed by the petitioner is disposed of with liberty to the petitioner to approach the respondent/JDA by exercising his option in respect of the three alternative offers given by them and to get the matter settled between the parties by way final and full satisfaction of the parties. For that purpose the petitioner may approach the authority within one month along with their proposal which would be considered and decided by the JDA within a period of three months thereafter without being prejudiced by the fact that the petitioner had refused to accept the same by letter dated 05.11.2012. With the aforesaid observations, the petition filed by the petitioner stands disposed of.