

Dhananjay Singh Vs. the State of Madhya Pradesh

Dhananjay Singh Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1048921

Court : Madhya Pradesh

Decided On : Mar-25-2013

Appellant : Dhananjay Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. A.P.Singh

Judgement :

1 W.P.No.4207/2013 25/3/2013: Shri A.P.Singh, learned counsel for the petitioner.

Shri Amit Sharma, learned Panel Lawyer for the respondents State.

Similar petitions have been disposed of vide order dated 14.8.2012 in W.P.No.2583/2012 in following terms :- "Shri A.P.Singh, Advocate for the petitioner.

Shri Piyush Dharmadhikari, Govt.

Adv.for the respondents State.

They are heard finally.

The order passed in this petition shall also govern the disposal of W.P.No.2585/2012 [Rajendra Prasad Dwivedi versus State of M.P.& Others].since the point involved in both the petition is common.

By this petition under Article 226/227 of the Constitution of India the petitioner is seeking the relief that the objection in regard to inadequacy of the compensation under the provisions of the Land Acquisition Act, 1894 (in short "the Act") has been raised by the petitioner by filing an application under Section 18 of the said Act, however, the said application has been summarily dismissed holding that the detail as to how the compensation is inadequate has not been mentioned.

Contention of learned counsel for the petitioner is that once an application under Section 18 of the Act has been submitted, the Collector is bound to refer the matter to the Civil Court.

However, Shri Dharmadhikari, learned Government Advocate submits that the application under Section 18 of the Act is vague and on what basis the petitioner is asking for Rs.10 Lacs towards the compensation and upon which criteria, it has not been shown and therefore, rightly the said application has been rejected.

Considered the rival contentions put forth by the learned counsel for the parties.

2 To me, the point involved in the petition has been put to rest by the Apex Court in *Ambya Kalya Mhatre (dead) through L.Rs. and others versus State of Maharashtra* - (2011) 9 SCC 32. wherein it has been held that once the application under Section 18 of the Act is filed, the Collector is bound to refer the matter to the Civil Court in regard to the adequacy of the compensation, who shall decide the adequacy of the compensation.

Since an application has been filed under Section 18 of the Act, to me, instead of rejecting the application the Collector ought to have referred the matter to the Civil Court.

Resultantly, this petition succeeds and is hereby allowed.

The impugned order dated 19.4.2011 (Annexure P/1) is hereby set aside.

The Collector is hereby directed to refer the matter to the Civil Court.

The present petition stands allowed.

No order as to costs.

Let a copy of this order be kept in the record of W.P.No.2585/2012 [Rajendra Prasad Dwivedi versus State of M.P.& Others].."

Keeping in view the above, finding the case of the petitioner to be similar.

Respondents are directed to take action in the case of petitioner as already decided in the similar cases.

Petition stands disposed of with the aforesaid.

(Rajendra Menon) Judge Mrs.mishra

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com