

Kamlesh Kumar and Others Vs. State of M.P. and Others

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Court : Chhattisgarh

Decided On : Dec-05-2000

Reported in : 2001(1)MPHT26(CG)

Judge : Mr. R.S. Garg, J.

Acts : [Land Acquisition Act, 1894](#) - Sections 30; [Constitution of India](#) - Articles 226 and 227

Appeal No. : Writ Petition No. 6162/2000

Appellant : Kamlesh Kumar and Others

Respondent : State of M.P. and Others

Advocate for Def. : Shri Ranveer Singh, Adv.

Advocate for Pet/Ap. : Shri Alok Bakshi, Adv.

Disposition : Writ Petition dismissed

Judgement :

ORDER

R.S. Garg, J.

1. From the facts, it appears that petitioners' land was acquired by the State Govt. and certain compensation was fixed for being paid to the petitioners. It appears

that compensation was paid on 6-5-1997. The respondents Krishnalal and Reshamlal made an application to the Collector/Land Acquisition Officer to make a reference to the Civil Court under Section 30 of the Land Acquisition Act. The said application was not being decided, therefore, the said persons filed W.P. No. 4219/98 before the High Court of Madhya Pradesh. The said petition was finally disposed of on 21-9-1998 with direction to the respondent Land Acquisition Officer to decide the representation of Krishnalal and Reshamlal (respondent Nos. 4 & 5) in this petition. The said application was ultimately decided on 31-3-2000. The Collector decided the application and found that present was a fit matter where a reference was required to be made under Section 30 of the Land Acquisition Act. The petitioners being aggrieved by the said order, have filed this petition under Articles 226/227 of the [Constitution of India](#).

2. The submission of the learned counsel for the petitioners is that as the compensation amount has already been paid to the petitioners, a reference under Section 30 of the Land Acquisition Act is not competent. He has referred to the provisions of Section 30 of the Act in support of his contention.

3. Section 30 of the Land Acquisition Act says that a reference would be made by the Land Acquisition Officer to the Civil Court, if there is a dispute relating to apportionment of the compensation amount or there is a dispute relating to the person to whom the compensation is to be paid. Section 30 does not say that simply because the amount has been paid to one party or the other, the Land Acquisition Officer would be denuded of his power and would not be able to make a reference under Section 30 of the Act. The pre-condition for making a reference under Section 30 of the Act is that either there is a dispute regarding apportionment or there is a dispute as to who is best entitled to receive the compensation. The payment of compensation to one party or the other would, in any case, not affect the jurisdiction of the Land Acquisition Officer.

4. From the order Annexure P-3, it does not appear that the authority had no jurisdiction to make reference to the Civil Court.

5. I find no reason to interfere. The petition is dismissed.

6. Writ Petition dismissed.

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