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Shyam Sundar Vs State Of Chhattisgarh And Ors

Writ Petition (227) No. 832 Of 2013

Court: Chhattisgarh High Court

Date of Decision: Aug. 31, 2018

Acts Referred:
Land Acquisition Act, 1894 â€" Section 18

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: S. N. Nande, Avinash Singh

Final Decision: Allowed

Judgement

Sanjay K. Agrawal, J

1. By the impugned order dated 23.09.2013 (Annexure - P/1), the petitioner's application under Section 18 of the Land Acquisition Act, 1894 (for

brevity, 'Act') has been rejected by the Collector against which this writ petition has been preferred.

2. Learned counsel for the petitioner submits that the Collector has no jurisdiction to decide the question of quantum of compensation, it has to simply

refer the matter to the Civil Court for determination and whether the amount of award is just fair and reasonable that jurisdiction lies with the District

Court.

3. On the other hand, learned State counsel would support the order impugned.

4. I have heard learned counsel for parties.

5. The jurisdiction of the Collector under Section 18 of the Act is to make reference to the Civil Court for determination of just and fair compensation.

His jurisdiction is limited to see whether the application is within the period of limitation and whether he is aggrieved against the amount awarded

under compensation. The correctness of the quantum of compensation cannot be decided by the Collector which the Collector has done in the

impugned order, therefore, the order of the Collector is hereby set aside. The matter is remanded to the Collector for consideration afresh and to make

reference in accordance with the Section 18 of the Act.

6. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).