

(2013) 01 MP CK 0104

Madhya Pradesh High Court

Case No: Review Petition No. 444 of 2012

Krishi Upaj Mandi Samiti, Bhind

APPELLANT

Vs

Nathuram Prajapati and Others

RESPONDENT

Date of Decision: Jan. 4, 2013

Hon'ble Judges: S.K. Gangele, J; Brij Kishore Dube, J

Bench: Division Bench

Advocate: S.P. Jain, for the Appellant; Vivek Khedkar, D.A.G. for respondents No. 2 to 4-
State, for the Respondent

Judgement

1. Heard. The petitioner has filed this review petition for clarification of the order dated 06-11-2012, passed by this Court in Writ Appeal No. 202 of 2007.
2. The first point raised by learned counsel for the petitioner is that total area of the land, ad-measuring 21.954 hectare was acquired for the purpose of construction of Krishi Upaj Mandi Samiti and only land acquisition proceedings of the area ad-measuring 7.694 hectare was involved in litigation, because the writ petitioners, who are the owners of the land, filed the writ petitions challenging the notification of acquisition of area ad-measuring 7.694 hectare. Those writ petitions have been allowed and this Court also dismissed the writ appeals. Hence, the whole land which was acquired for the purpose of establishment of Krishi Upaj Mandi Samiti, could not be affected because the construction has already been made over the remaining area of the land
3. The contention of the petitioner is irrelevant because the writ Court has quashed the acquisition and it is in regard to the land of the writ petitioners only, who filed the writ petitions before the writ Court.
4. The next question is in regard to grant of liberty for initiation of fresh acquisition proceedings.
5. The Hon"ble Supreme Court in the case of Om Prakash Sharma and Others Vs. M.P. Audyogik Kendra Vikas Nigam and Others; (2005) 10 SCC 306, in paragraph 8 of

the judgment, has granted a liberty to the respondents for initiation of fresh acquisition proceedings. The relevant findings of the Hon"ble Supreme Court are as under:-

8. We make it clear that this order of ours does not prevent the respondents from initiating the acquisition proceedings afresh in regard to the very lands in question in accordance with law. If the authorities decide to proceed with the acquisition proceedings afresh, they may commence the acquisition proceedings within a period of three months. We further direct that the parties shall maintain the status quo existing on the lands in question covered by these appeals for a period of three months or till the date the acquisition proceedings commence, whichever is earlier.

6. In such circumstances, the authorities are at liberty in regard to initiation of fresh acquisition proceedings in accordance with law, as per observations made by Hon"ble Supreme Court in the case of Om Prakash Sharma & others (supra).

7. However, it is hereby clarified that this Court has not opined about merits and legality of initiation of fresh acquisition proceedings. With the aforesaid, the review petition is disposed of.