

Madhya Pradesh High Court

Ganesh vs The State Of Madhya Pradesh on 9 July, 2010

Writ Petition No.7091/2010

9.7.2010

Shri B.K. Bais, learned counsel for the petitioner.

Shri B.N. Mishra, learned Govt. Advocate for
respondent State.

The petitioner resident of village Dhaudar, tahsil Deosar, district Singrauli on the allegation that though his land bearing Khasra No. 556/2 admeasuring 0.30 hectare including the house and trees thereon has been acquired for establishing respondent No. 4 Mahan Aluminum and Captive Thermal Power Plant, yet the petitioner has been deprived of the benefit of provision of Madhya Pradesh Ki Adarsh Punarvas Niti Varsh 2002; in view whereof the petitioner by way of present petition filed under Article 226 of Constitution of India seeks the directions to respondents to fully comply with the rehabilitation policy and give benefits to the petitioner and to pay compensation to the petitioner as per market rate and as per guideline.

The aforesaid reliefs have also been sought on the anvil that in an agreement dated 15.5.2009 entered into between the respondent No. 2 and 4, i.e., Collector, District Singrauli and the Chief Executive Officer, M/s. Mahan Aluminum and Captive Thermal Power Plant (Hindalco) Limited Bargawa, District Singrauli. It is agreed by respondent No. 4 to extend the benefit as is available under the Rehabilitation Policy of 2002.

During course of hearing, it is submitted by learned counsel for the petitioner that in a similar petition this Court has directed the Collector, District Singrouli, one of the party to the agreement dated 15.5.2009 to dwell upon the issue as to extension of benefit as stipulated in the policy of 2002, it is urged that similar direction may be issued in the present petition.

Learned Govt. Advocate appears for the State has no objection for considering the claim as put-forth by the petitioner qua the policy of 2002.

In view of above and without entering into the merit of the case, the petition is disposed of with liberty to the petitioner to file a representation before the respondent No. 2 Collector, district Singrouli. The respondent No. 2 on receiving such representation shall dwell upon the same in accordance with the policy of the State Government and pass a cogent and reasoned order within a period of two months from the date of communication of this order. The petitioner along with copy of this order shall also produce before Collector, Singrouli, the copy of petition along with documents for proper appraisal by respondent No. 2.

The petition is thus disposed of finally in above terms. C.c. as per rules.

(SANJAY YADAV) J U D G E Vivek Tripathi