

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE SUSHRUT ARVIND  
DHARMADHIKARI**

**&**

**HON'BLE SHRI JUSTICE GAJENDRA SINGH**

**ON THE 2<sup>nd</sup> OF JULY, 2024**

**WRIT PETITION No. 11289 of 2022**

*(NARAYAN*

*Vs*

*NARMADA VALLEY DEVELOPMENT DEPARTMENT AND OTHER)*

**Appearance:**

***(SHRI NIPUN CHOUDHARY, LEARNED COUNSEL FOR THE PETITIONER)***

***(SHRI VIVEK PATWA, LEARNED COUNSEL FOR RESPONDENT NO.2)***

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**Reserved on : 18.04.2024**

**Pronounced on : 02.07.2024**

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**ORDER**

Per: SUSHRUT ARVIND DHARMADHIKARI, J.

Heard finally with the consent of both the parties.

In this petition filed under Article 226 of the Constitution of India the petitioner prayed for the following reliefs:-

*“(A) Appropriate writ, direction or order in the nature of mandamus or*

*other; the Respondents No. 1 and 2 be directed to comply the order dated 10.04.2012 and 28.07.2016 of Respondent No.3 at the earliest possible date in the interest of justice.*

*(B) Costs of this petition may be awarded.*

*(C) Any other appropriate relief that this Hon'ble Court may deem fit be awarded to the petitioner."*

2. The brief facts of the case are that the petitioner was the owner of the land situated at Village Khajrana, Tehsil Kukshi, District Dhar bearing Khasra numbers 48, 50, 80, 81, 82 and 124 admeasuring 6.394 hectares which was acquired by the State Government under the Sardar Sarovar Pariyojana and compensation was granted to the petitioner. The petitioner being aggrieved by grant of lesser compensation, therefore, he had approached the Grievance Redressal Authority. The Respondent No.3 vide order dated 10.04.2012 ordered the Respondent No.2 to grant the consequential benefits of the acquisition and also re-evaluate the compensation granted to the petitioner. Being aggrieved by the order dated 10.04.2012, the Respondent Nos. 1 and 2 had approached this Court in W.P. No. 3927/2014 which was dismissed vide order dated 27.07.2015.

3. Again being aggrieved by the order dated 27.07.2015 passed in W.P. No. 3927/2015 the Respondent Nos. 1 and 2 preferred a W.A. No. 350/2016 which was dismissed in default and consequently the order dated 27.07.2015 attained finality. However in the reply, the State has stated that against the order dated 10.07.2018 passed in W.P. No. 3937/2014 SLP (Civil) Diary No(s). 42070/2018 was filed before the Apex Court which is pending and vide order dated 02.01.2019 the delay was condoned and notice was issued to the petitioners herein. In the meantime, operation of the impugned order dated 10.07.2018 passed in W.P. No. 3937/2014 has been stayed and the SLP is still pending.

4. Learned counsel for the petitioner contended that the inaction of the respondent No.1 to decide the application for consequential benefits and re-evaluation of the acquisition compensation is omission of the duty and if the matter is not heard in time then the petitioner will suffer great financial losses and the intention of the state legislature to provide the compensation will be frustrated and the petitioner will suffer irreparable loss. He further contended that the impugned action of the Respondent No.2 violates principles of natural justice as the Respondent No.2 has not given any opportunity of hearing to the petitioner.

5. Learned counsel for the respondents contended that the present writ petition is not maintainable in view of the fact that in the earlier round, the petitioner had filed the writ petition and the SLP is still pending which is against the same petitioner, therefore, in view of the interim order passed by the Apex Court no such directions can be issued as prayed for in this writ petition. The petition deserves to be dismissed.

6. Heard learned counsel for the parties and perused the record.

7. It is not in dispute that the earlier writ petition No. 3927/2014 was preferred by the Respondent/State against the order dated 10.04.2012 passed by the Grievance Redressal Authority and thereafter, writ appeal having also been dismissed and SLP pending, no relief can be granted to the petitioner at this stage.

8. Accordingly, this Writ Petition, being fully misconceived, is hereby dismissed.

**(S.A. DHARMADHIKARI)**  
**JUDGE**

**(GAJENDRA SINGH)**  
**JUDGE**