



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE G. S. AHLUWALIA  
ON THE 20<sup>th</sup> OF SEPTEMBER, 2024  
WRIT PETITION No. 10711 of 2015  
*MADHAV VISHWAKARMA*  
*Versus*  
*THE STATE OF MADHYA PRADESH AND OTHERS***

**Appearance:**

*Shri Aman Patel - Advocate for the petitioner.*

*Smt.Shraddha Tiwari – Panel Lawyer for the respondents/State.*

**ORDER**

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs :-

“i) This Hon’ble court may kindly be pleased to direct the respondents to provide compensation as per collector guideline of house No.851 situated in Village Ramnagar district Satna (MP) and provision of land acquisition policy under drawn area of Bansagar Project.

ii) To direct the respondent made the reference case as provision of land acquisition act 1984 under section 18 and direction to the respondent decide representation submit by petition.

iii) To issue direction to the respondents to grant the other benefit of displaced petitioner according to policy prevailed in this subject.

iv) To grant any other relief which may deem fit and proper in the facts and circumstances of the case.”

2. It is submitted by counsel for petitioner that the property in question was acquired for Bansagar Project. The compensation for the



House No.851 having 3 rooms, which has also come in the submergence area, has not been paid.

3. The respondents have filed their return and submitted that the land acquisition proceedings under the Land Acquisition Act, 1894 were initiated. A notification under section 4 of the Land Acquisition Act, 1894 was issued on 25.11.1988. All those houses, which were not completed and were not inhabited by any person or were constructed after 25.11.1988, were not given any compensation. The petitioner was given the compensation for his House No.852, situated at Khasra No.239/3 because it was already constructed and inhabited by the petitioner prior to issuance of notification under section 4 of the Land Acquisition Act, 1894 and compensation of Rs.9,63,898/- was paid. The copy of award has also been filed by the State.

4. Heard the learned counsel for the parties.

5. Section 18 of Land Acquisition Act, 1894 reads as under :-

**“18. Reference to Court.** - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six



months from the date of the Collector's award, whichever period shall first expire.”

6. Thus, it is clear that if a person is aggrieved by the insufficient amount of compensation or non-grant of compensation in respect of the property, then he had a remedy of approaching the competent authority under section 18 of Land Acquisition Act, 1894.

7. In the present case, the disputed question of fact has been raised by the respondents by alleging that since the house of petitioner, in respect of which compensation was not paid, was either incomplete or it was constructed after 25.11.1988, therefore, the compensation was not paid. This disputed question of fact cannot be decided by this Court in exercise of power under Article 226 of Constitution of India.

8. Since the petitioner had an efficacious and alternative remedy, therefore, no case is made out warranting interference.

9. With aforesaid observation, the petition fails and is hereby **dismissed.**

(G.S. AHLUWALIA)  
JUDGE

TG/-