

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

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 8th OF MAY, 2024

WRIT PETITION No. 10637 of 2024

BETWEEN:-

1. PRAKASH CHAND MISHRA S/O SHRI CHANDRA BHUSAN MISHRA OCCUPATION: AGRICULTURIST VI8LLAGE OF KARAH PAHADI PS SHAHPUR DISTRICT MAUGANJ (MADHYA PRADESH)
2. KUNTEYLAL MISHRA S/O SHRI DEV NARAYAN MISHRA OCCUPATION: AGRICULTURIST R/O VILLAGE OF KARAH PAHADI P.S. SHAHPUR DISTRICT MAUGAJ (MADHYA PRADESH)
3. SHAMBHU PRASAD MISHRA S/O SHRI CHANDRA BHUSAN MISHRA OCCUPATION: AGRICULTURIST R/O VILLAGE OF KARAH PAHADI P.S. SHAHPUR DISTRICT MAUGANJ (MADHYA PRADESH)

.....PETITIONERS

(BY SHRI SUKH NANDAN PANDEY - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY WRD DEPARTMENT BHOPAL VALLABH BHAWAN DISTRICT BHOPAL (MADHYA PRADESH)
2. THE STATE OF MP THROUGH COLLECTOR DISTRICT REWA (MADHYA PRADESH)
3. THE SUB DIVSIONAL OFFICER AND LAND ACQUISITION OFFICER TEHSIL MAUGANJ

**DISTRICT MAUGANJ / REWA (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI SWAPNIL GANGULY – DY. ADVOCATE GENERAL)

This petition coming on for admission this day, the court passed the following:

ORDER

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

(i) Issue a writ in the nature of mandamus direction to the respondent no. 02 or any other respondent to consider the representation of the petitioners dated 08.08.2023, 01.09.2023 & 30.01.2024 produced as Annexure-P/3 & P/5.

(ii) Any other writ, order or direction, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case, may also kindly be passed, in the interest of justice.

2. Only controversy is with regard to payment of interest on delayed payment.

3. It is the case of the petitioners that an award dated 11.7.2003 was passed treating the lands as irrigated lands. However, by order dated 12.3.2007, the said award was modified by the Collector holding that the lands which were acquired by the State were not irrigated lands but were un-irrigated lands and accordingly, quantum of compensation was

reduced. The order dated 12.3.2007 was challenged by the petitioner by filing a W.P.No.13348/2007 which was allowed by order dated 1.5.2023 by holding that the observation made by the Collector that the land which was acquired was not irrigated land but was un-irrigated land, cannot be treated to be correction of clerical or arithmetical mistake and accordingly, order dated 12.3.2007 was set-aside with a direction to the respondents to make payment of compensation to the petitioners in accordance with un-amended award passed on 11.7.2003.

4. It is submitted that thereafter, entire compensation has been paid. But, since the compensation amount was illegally withheld by the respondents, therefore, petitioners are entitled for interest.
5. Considered the submissions made by counsel for the petitioners.
6. The award which was passed by the Land Acquisition Officer was modified by the Collector by order dated 12.3.2007 and the said order was challenged by the petitioners by filing W.P.No.13348/2007 which was allowed by order dated 1.5.2023. While deciding the said writ petition, Coordinate Bench has not directed for payment of interest. Accordingly, a question was put to counsel for the petitioners as to whether this Court by awarding the interest can modify the order dated 1.5.2023 passed in W.P.No.13348/2007 or not?
7. It is submitted by counsel for the petitioners that this Court has inherent power under Article 226 of the Constitution of India to do so.
8. Considered the submissions made by counsel for the petitioners.
9. This Court is unable to accept the contention of counsel for the petitioners that this Court has inherent power to amend the order

passed by a Coordinate Bench of this Court. What was not done by the Coordinate Bench while deciding W.P. No.13348/2007, cannot be done by this Court in exercise of power under Article 226 of the Constitution of India.

10. Accordingly, no case is made out warranting interference. The petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

JP