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WP-9548-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 3rd OF APRIL, 2025WRIT PETITION No. 9548 of 2025*MANGALSHARAN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Nitya Nand Mishra - Advocate for the petitioner.

Shri Abhishek Singh - Government Advocate for the respondents.

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ORDER

This petition is filed being aggrieved of the order dated 03.08.2024 passed by learned 4th District Judge, Deosar, district - Singrauli, namely, Shri Dinesh Kumar Sharma refusing to entertain an application under Section 64 of the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the Act of 2013') only on the ground that Collector has not made reference and therefore, in absence of a reference being made by the Collector, Reference is not maintainable under Section 64 of the Act of 2013.

It is submitted that vide Annexure P-5 dated 28.10.2021 information was given to the petitioner in regard to passing of the award. Requirement of law under Section 64 (1) of the Act is that "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 Authority,



as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested: Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority: Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days"

Thus, it is evident that when the intimation was received on 28.10.2021, the petitioner had filed application under Section 64 (1) of the Act on 06.12.2021 and when it was not decided within thirty days then he moved to the Court in terms of second proviso. This application could not have been dismissed only on the ground that the Collector had not made a reference.

It is evident that application was filed before the Collector within six weeks of intimation given under Section 37 (2) of the Act and, therefore, learned 4th District Judge has failed to read the provision contained in Section 64 of the Act and has passed a cryptic order. Had learned 4th District Judge strained himself to read the provisions under Section 64 of the Act of 2013, such cryptic order would not have been passed. Accordingly, the impugned order dated 03.08.2024 being cryptic, is set aside. The matter is remitted to concerned District Judge to decide the application on its own



merits within a further period of thirty days.

In the above terms, the writ petition is disposed of.

District Judge (Inspection) be directed to cause inspection of the files of 4th District Judge, namely, Shri Dinesh Kumar Sharma, 4th District Judge, Deosar, district - Singrauli and furnish a report as to the functioning of the said District Judge within three months from the date of receipt of this order. He shall cause inspection of his files for last five years wherever he has been posted and submit a report to the High Court.

(VIVEK AGARWAL)
JUDGE

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