



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

**BEFORE**

**HON'BLE SHRI JUSTICE G. S. AHLUWALIA**

**ON THE 23<sup>rd</sup> OF AUGUST, 2024**

**WRIT PETITION No. 23981 of 2024**

***DEVENDRA AND OTHERS***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

*Shri K. K. Pandey – Advocate for the petitioners.*

*Shri Swapnil Ganguli- Dy. Advocate General for the respondents / State.*

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**ORDER**

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

- (i) Direct to respondents to provide the entire record in relation to acquisition of land of the petitioners for perusal of this Hon'ble Court that they have followed the procedure and given information to the petitioners and calling objection.
- (ii) Direct the respondents that they cannot interfere in the peaceful possession of the petitioners and in their ownership land, record of which is produced as Annexure P/1 without following the procedure.
- (iii) Direct the respondents that first they acquire the land under the prescribed Land Acquisition Act and thereafter they rehabilitate the people where after they can conduct an acquisition proceeding by issuance of writ of mandamus.
- (iv) Direct the respondents to follow the land acquisition proceedings and pay the compensation



as an alternate when there is no any other land available for construction of pond.

(v) Issue any other writ, order or direction as this Hon'ble Court deems fit.

2. By relying on the written instructions given by Executive Engineer, Hiran Water Recourse Division, Jabalpur (MP), dated 23.8.2024, it is submitted that the project is at the beginning stage and no one would be dispossessed except by private negotiations or in accordance with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or as per special package.

3. Counsel for the State has also provided a copy of the written instructions given to him which reads as under :-

कार्यालय कार्यपालन यंत्री हिरन जल संसाधन संभाग जबलपुर  
म.प्र. (मो.नं.-8319524415)

पत्र क्र.1934/2024                      जबलपुर दिनांक:- 23/08/2024

प्रति,

श्रीमान् स्वपणित गांगुली साहब,  
शासकीय उप-अधिवक्ता,  
म.प्र. उच्च न्यायालय जबलपुर ।

विषय:- W.P.No.23981/24(बहादेव मध्यम परियोजना लखनादोन जिला सिवनी) के सम्बंध में।

महोदय,

निवेदन है कि, उक्त परियोजना का निर्माण कार्य किया जाना प्रस्तावित है इससे जिला सिवनी, नरसिंहपुर एवं जबलपुर के 122 ग्रामों को सिंचाई सूविधा उपलब्ध की जावेगी इसके साथ ही लगभग 102 ग्रामों को पेय जल उपलब्ध कराया जावेगा महोदय इस परियोजना की



निविदा अभी आमंत्रित नहीं की गई है अभी योजना प्रारंभिक स्तर पर ही है।

योजना प्रारंभ होने पर तुरंत ही कृषकों एवं अन्य ग्राम वासियों को आपसी सहमती के आधार पर या एक्ट-2013 के अनुसार अथवा विशेष पैकेज के आधार पर मुआवजा दिये जाने की कार्यवाही उचित समय पर की जावेगी अभी योजना पूरी तरह से प्रारंभिक स्तर पर ही है।

उचित कार्यवाही हेतु प्रेषित।

जबलपुर  
दिनांक- 23/08/2024

कार्यपालन यंत्री  
हिरन जल संसाधन संभाग जबलपुर म.प्र.

4. In view of the written undertaking given by the State Counsel, this Court is of considered opinion that for the time being nothing survives in the writ petition.
5. Accordingly, this petition is **disposed of**. In case if undertaking is violated, then the petitioners shall be free to revisit the Court.
6. In view of the stand taken by counsel for the respondents, it is directed that the respondents shall not dispossess the petitioners except in accordance with the undertaking given by them.

(G. S. AHLUWALIA)  
JUDGE



JP