

(1)

C.S. 2001

IN THE HIGH COURT OF CHHATISGARH AT BILASPUR

W. P. (C) No. 2381 of 2014 Single Bench

Petitioner(s):

- (1) Baliram S/o Late Dasairam,
Aged about 35 years, R/o
Village Parsa, Post
Daadgaon, Police Station
Udaipur, Disst. Surguja
(C.G.)

2381/14
R No. 2381/14
Presented by Shri A.K. Dubey
Dated 12/12/14

- (2) Mangali W/o Late
Dasairam, Age about 65
years, R/o Village Parsa,
Post Daadgaon, Police
Station Udaipur, Disst.
Surguja (C.G.)

Vs.

Respondent(s):

- (1) State of Chhattisgarh
through secretary, Revenue
Department, Mahanadi
Bhawan, Raipur (C.G.)
- (2) Sub Divisional Officer,
Ambikapur, District
Surguja (C.G.)
- (3) Branch Manager, Khestriya
Gramin Bank, Daandgaon,
District Surguja (C.G.)



WRIT PETITION UNDER ARTICLE 226(1) OF THE
CONSTITUTION OF INDIA

1. Particulars of petitioner(s):

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP(C) No.2381 of 2014

PETITIONERS

Baliram & another

-Versus-

RESPONDENTS:

State of Chhattisgarh & others

Present

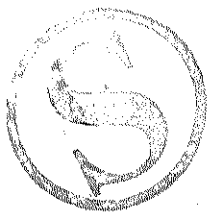
Shri Shivang Dubey, counsel for the petitioners.
Shri Sunil Pillai, Panel Lawyer for the State.

Single Bench: Hon'ble Shri Prashant Kumar Mishra, J.

ORAL ORDER

(21-1-2015)

1. The petitioners have preferred this writ petition seeking direction to the respondents to allow the petitioners to withdraw the amount of compensation which has been deposited in their bank account.
2. Learned counsel for the petitioners would submit that on acquisition of the petitioners' land, they have been awarded compensation of Rs.20 lakhs, however, the bank is not permitting to withdraw the amount on the ground that such withdrawal would be allowed only when an order/permission is obtained from the concerned Sub Divisional Officer. He would further submit that the petitioners had already moved an application for permission before the Sub Divisional Officer, Ambikapur on 30.9.2014, however, the Sub Divisional Officer has not granted permission to the petitioners.
3. If the amount has been deposited in the petitioners' bank account in lieu of acquisition of their land and there is no legal impediment for withdrawal of the amount, the concerned bank should not refuse withdrawal, as the money belongs to the petitioners and they are free to withdraw the amount lying in their bank account.
4. At this stage, learned counsel for the petitioners would inform this Court that the concerned Collector has issued instructions to the effect that the amount of compensation deposited in the bank account of the indigenous people/tribal people should not be allowed to be withdrawn unless permitted by the Sub Divisional Officer.



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5. Learned State counsel would inform that such instructions might have been issued for protecting the interest of tribal people and there is public policy behind such arrangement.
6. Considering the entire fact situation of the case, it is directed that if the petitioners move a representation before the concerned Sub Divisional Officer seeking withdrawal of the amount and if the said Sub Divisional Officer is satisfied that reason for withdrawal is genuine, necessary order in this regard shall be passed, as early as possible, preferably within a period of 15 days from the date of submission of application.

7. The writ petition is accordingly disposed of.

Sd/-
Prashant Kumar Mishra
Judge

Barve