

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1534 of 2015

1. Anil Garg S/o Shri Govind Ram Agrawal, Aged About 49 Years, R/o Jagatpur, Laxmipur Raigarh, Tahsil & District Raigarh (Chhattisgarh)
2. Bihari Lal Agrawal, S/o Shri Visanlal Agrawal, Aged About 48 Years R/o Infront Of Kedia Form House, Near Torwa Power House, Bilaspur (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Civil Aviation, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)
2. The Collector (Land Acquisition), Riagarh, Tahsil & District Raigarh (Chhattisgarh)
3. Sub Divisional Officer, Revenue - Cum- (Land Acquisition Officer), Tahsil & District Raigarh (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Saurabh Sharma, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.

Order On Board

31/08/2015

Heard.

1. The petitioners' apprehension as stated in the writ petition is that even though there is specific provision under Section 24 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "*the Act of 2013*"), requiring determination of compensation according to provision contained under the Act of 2013, respondents may proceed to determine compensation under the old Act of 1894. It is submitted that as the representation filed by the petitioners has not been favourably considered till date, this petition has been filed.
2. Learned State counsel submits that after passing of the new Act of 2013, a pending case, relating to land acquisition where award has not been passed as on the date of promulgation of new Act of 2013, is to be carried out in accordance with the provision of new Act of 2013. The representation which has been given by the petitioners shall receive due consideration by the competent Land Acquisition Authority in the matter of determination of compensation. At this stage, there is no

adverse order giving the petitioners any cause of action .

3. Considering the submissions made by learned counsel for the parties, this petition at this stage is disposed off with a direction to the Land Acquisition Officer that he shall act in accordance with the provision of the new Act of 2013 in the matter of determination of compensation. In case there is any grievance of the petitioners in future that the compensation has not been determined in accordance with the provisions of the Act of 2013 while passing the award, it will be open for the petitioners to take recourse to such remedy as may be available to them under the law.

Sd/-
(Manindra Mohan Shrivastava)

Judge

Praveen