

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1717 of 2015

Babulal S/o Sahdev, Aged About 57 Years Caste Rajwar, Occupation Agriculturist,
R/o. Village Dumaria, Post, P. S. & Tehsil Surajpur, Revenue & Civil District Surajpur
(Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Industries/ Revenue,
Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (Chhattisgarh).
2. Collector, Sarguja, Revenue & Civil Distt. Sarguja (Chhattisgarh).
3. Land Acquisition Officer, Thermal Power Project Premnagar / Bhaiyathan Head Office
Ambikapur, Revenue & Civil District Sarguja, (Chhattisgarh)
4. S D O (Revenue), Surajpur, Revenue & Civil District Surajpur (Chhattisgarh)
5. Tehsildar Surajpur, Revenue & Civil District Surajpur (Chhattisgarh).
6. Executive Engineer (Civil), C.S.P.G.C.L., Bishrampur, Revenue & Civil District
Surajpur (Chhattisgarh).
7. M/s Sarguja Rail Corridor Private Limited, Adani Group, Ketka Road, Behind Shyam
Mandir, Surajpur, Revenue & Civil District Surajpur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Surfaraj Khan, Advocate.
For Respondent/State	:	Shri S.P. Kale, Dy. A.G.

Order On Board

23/09/2015

Heard.

1. This is second round of litigation by the petitioner. Earlier the petitioner had challenged the land acquisition proceedings but later on, the relief was confined only to payment of appropriate compensation and extension of benefits under the rehabilitation policy of the Government.

2. Learned counsel for the petitioner submits that while deciding the earlier petition vide common order dated 05.03.2015 passed in WP(C) No.1550 of 2013 and WPC No.1555 of 2013, this Court had clearly observed that the applicable Rehabilitation and Resettlement Policy (R & R Policy) of the State be followed, as is followed in all cases of compulsory land acquisition. It is submitted that though the proceedings are going on in that regard, but even after lapse of 6 months, the orders have not been passed. He submits that as the petitioner's land have been taken away, which was the only source of livelihood, the amount of compensation is not enough for them to cater to the need their family and livelihood for all times to come. As the State Rehabilitation Policy is intended to provide a complete package of rehabilitation to those, who have been deprived of their source of livelihood on account of compulsory acquisition of their land, the State and authority are required to expeditiously conclude the proceedings of rehabilitation and extend the necessary benefits which are available to the petitioner under the scheme.

3. Learned counsel for the State submits that the case of the petitioner with regard to implementation of rehabilitation scheme is under active consideration of the authority and all steps shall be taken to extend necessary benefits of rehabilitation as is available under the policy.

4. While acquiring land of agriculturists who depend solely on agricultural activity as the only source of their livelihood, in addition to providing monetary compensation, the Rehabilitation Policy of the State obliges the authorities to provide a comprehensive rehabilitatory package to the affected person. The Rehabilitation Policy has been placed on record by the petitioner as Annexure -P/4. This policy is very comprehensive and provides for various benefits, which also includes employment benefits to the person / member of his family, who has been affected by acquisition. It hardly needs any emphasize that a person whose land has been acquired and more so in cases, where he happens to be an agriculturist, his source of livelihood also goes. The State, in its wisdom, decided to provide comprehensive rehabilitation which includes not only payment of compensation under the Land Acquisition Laws but also other rehabilitatory measures. Such Policy has been framed by the State as it is a welfare State. Therefore, the spirit of the Rehabilitation Policy obliges the officer of the State to expeditiously complete the proceedings consistent with the Rehabilitation Policy of the Government. If there is undue delay in extending benefit, as are admissible under the Rehabilitation Policy, the affected person and his family may be ruined and may be subjected to suffering which may not be reparable. Incidentally delay in finalization of Rehabilitation Scheme in a particular case also results in serious anguish and distrust amongst those who have been affected by land acquisition. Such a situation cannot be allowed to exist and all steps should be taken to avoid a situation where the person whose

land has been acquired is waiting indefinitely for rehabilitation package to come to him by way of employment or otherwise. It would be in consonance with the concept of welfare State that implementation of rehabilitation scheme in a given case where land has been acquired is ensured within a reasonable time frame. This is so because if within the reasonable time rehabilitation package is not extended, though contemplated under the Rehabilitation Policy, the very purpose of rehabilitation is frustrated.

5. In the case of **Kumar Ban Goswami and others Vs. State of Chhattisgarh and others, WPC No. 692 of 2012 (Annexure P/3)**, this Court had an occasion to deal with the salient features of the modal policy of rehabilitation framed by the State of Chhattisgarh. This Court referred to the observation made by the Supreme Court in the case of *Satluj Jal Vidyut Nigam Ltd. and another Vs. Sangh Dass and another*, 2005 (9) SCC 217 wherein it was held :

“Purpose of the Scheme was to provide some benefits apart from compensation payable under land acquisition act to families rendered landless by acquisition of their lands.”

6. In the present case, it is found that there were certain disputes with regard to the acquisition but later on, the cases were finally disposed off by this Court in earlier round of litigation as back as on 05.03.2015. Though monitory compensation has been paid, yet other benefits as are available under the policy, have not been extended to the petitioner even after lapse of 6 months.

7. In that view of the matter, I am inclined to issue a direction to respondent authorities to expedite the process of rehabilitation of the petitioner in accordance with the existing Rehabilitation Policy of the State Government and ensure that whatever benefits which may include grant of employment also as per the terms and conditions of the policy, is extended within a period of four months from the date of receipt of copy of the order.

8. It is common knowledge that there is delay in providing and extending benefit of rehabilitation as per the State Rehabilitation Policy. Henceforth, the State shall ensure that the benefits available under the Rehabilitation Policy, as permissible under the law, is extending to those whose land has been acquired, within a reasonable time frame. Ordinarily, within a period of 6 months from the date of acquisition, in addition to payment of compensation, the benefits of rehabilitation under the Rehabilitation Policy should be extended to the person whose land has been acquired. If such benefit is not extended within a period of 6 months, the Collector of the concerned District shall prepare a report of cases of rehabilitation which are pending for more than 6 months within his jurisdiction and send the

same to the State Government. The State Government thereafter, shall proceed to issue necessary direction to the erring official to expedite the proceedings of rehabilitation and ensure its completion within a maximum period of 4 months thereafter. Even if after expiry of 10 months, the claim of rehabilitation is not decided one way or the other, the State Government shall take necessary action against the erring official/officials responsible for delay in implementing of the proceedings of rehabilitation for providing necessary benefits. A copy of this order be sent to the Chief Secretary of the State for issuance of necessary direction to all concerned.

9. With the aforesaid observations, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

J U D G E