

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 450 of 2016

Mansarovar W/o Bihari Lal, Aged About 57 Years Caste Rajwar, Occupation Cultivator, R/o Village Banshipur, P.S. And Tahsil Pratappur, District Surajpur, (Chhattisgarh)

---- Petitioner

Versus

1. Bechan Singh S/o Guda, Caste Gond, Aged About 57 Years R/o Village Banshipur, P.S. And Tahsil Pratappur, District Surajpur, (Chhattisgarh)
2. General Manager, South Eastern Coalfield Limited, Region Bhatgaon, District Ambikapur (Chhattisgarh)
3. Collector, Surajpur, District Surajpur, (Chhattisgarh)
4. Sub Divisional Officer, Pratappur, District Surajpur, (Chhattisgarh)
5. Tahsildar, Pratappur, District Surajpur, (Chhattisgarh)

---- Respondents

Smt. Hamida Siddiqui, counsel for the petitioner/s.

Ms. Tripti Rao, Panel Lawyer for the State.

Shri Himanshu Sinha, counsel for respondent no.2.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/02/2016

Heard on admission.

2. The grievance of the petitioner is that in the matter of acquisition of the land which is subject matter of dispute between the petitioner and respondent No.1, respondent No.2 is proceeding to provide employment treating the land as belonging to respondent no.1 whereas the dispute is pending before this Court in S.A.No.238/08. The petitioner has submitted objection (Annexure P/5) before the Collector and copy sent to respondent No.2 also. Therefore,

suitable direction may be issued.

3. From the material placed on record, it appears that there is a dispute of title between the petitioner and respondent No.1 and the case has traveled up to this Court in S.A. No.238/08. The effect and operation of the judgment and decree passed in favour of the petitioner has also been stayed by this Court.

Unless there are specific rules governing the matter with regard to release of compensation under the law, it is essentially for the competent authority to decide whether during the pendency of the appeal, the amount of compensation be disbursed to respondent No.1. For the same reason, the aspect of providing employment is required to be considered as a matter of policy and no specific direction can be given by this Court in this regard.

4. It would be open for the respondent authorities to consider this aspect and take appropriate decision in the matter but no direction can be issued one way or the other.

5. With the aforesaid observations, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge