

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2019 of 2016

1. Mahendra Ravlani S/o Late Indarmal Ravlani, Aged About 40 Years
2. Meena Devi Ravlani Wd/o Late Indarmal Ravlani, Aged About 60 Years

Both R/o Kharsiya, P. S. & Tahsil Kharsiya, District Raigarh Chhattisgarh)

---- Petitioner

Versus

1. Union Of India Through The Secretary, Ministry Of Railway, New Delhi.
2. General Manager, South Eastern Central Railway, Bilaspur District Bilaspur (Chhattisgarh)
3. Collector, Raigarh, District Raigarh (Chhattisgarh).
4. Sub Divisional Officer (R)/ Sub Land Acquisition Officer, Kharsiya, District Raigarh (Chhattisgarh)
5. Deputy Chief Engineer, South Eastern Central Railway Raigarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioners	Shri F. S. Khare, Advocate
For Respondent-State	Shri Arun Sao, Dy. AG
For Respondent No.1	Shri Ramakant Pandey, Advocate

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

10/08/2016

1. The petitioners have preferred this writ petition for a direction to the respondents to pay adequate compensation for acquisition of their land by the Railway Authorities for East Rail Corridor Special Rail Project Kharsiya to Gurda (0 to 10 km).

2. The award dated 04.09.2015 passed by the Sub Divisional Officer (Revenue) - cum - Land Acquisition Officer, Kharsiya mentions in para 4 thereof that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth 'the Act, 2013') is applicable for determination of compensation.
3. Learned State counsel would inform that a State Level Authority has been constituted under Section 51 of the Act, 2013 by gazette notification dated 28.01.2016, therefore, the petitioners may move before the said Authority seeking redressal of the grievance.
4. In view of the statutory alternative remedy available to the petitioners under Section 51 of the Act, 2013, the writ petition is disposed of with observation that the petitioners may prefer an application/ representation within one month before the concerned Collector, who shall refer the matter to the State Level Authority constituted under Section 51 of the Act, 2013 within a further period of one month. On reference being made, the Authority shall consider and decide the same, in accordance with law.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala