

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1939 of 2016**

1. Ramgunaha Vishwakarma S/o Late Phulchand Vishwakarma, Aged About 34 Years R/o Village Kenapara, Post Karanji, P.S. Bishrampur, District Surajpur, (Chhattisgarh)
2. Ramchandrar Vishwakarma, S/o Late Phulchand Vishwakarma, Aged About 30 Years R/o Village Kenapara, Post Karanji, P.S. Bishrampur, District Surajpur, (Chhattisgarh)
3. Smt. Bhuneshwari, W/o Late Phulchand Vishwakarma, Aged About 52 Years R/o Village Kenapara, Post Karanji, P.S. Bishrampur, District Surajpur, (Chhattisgarh)

---- Petitioners**Versus**

1. Collector Surajpur District Surajpur, (Chhattisgarh)
2. Sub Divisional Officer (Revenue), Bhaiyathan, District Surajpur, (Chhattisgarh)
3. South Eastern Coalfield Limited, Through Its General Manager, Bhatgaon Area, District Surajpur, (Chhattisgarh)
4. Dalganjan, S/o Manohar, Aged About 56 Years Caste Rajwar, R/o Dugga, Post, P.S. & Tehsil Bhatgaon, District Surajpur, (Chhattisgarh)

---- Respondents

Ms. Neha Verma, counsel for the petitioners.
 Mr. Gary Mukhopadhyay, Dy. G.A. for the State.
 Mr. Vaibhav Shukla, counsel for respondent No.3.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/06/2016**

Heard.

The petitioners have filed this petition for issuance of direction to second respondent to decide Revenue Case No.06/B-121/2014-15.

2. It is the case of the petitioners that the land in dispute originally belonged to

father of the petitioners No.1 & 2 but at the time of acquisition, the land has wrongly been treated as one belonging to the father of respondent No.4, who has been paid compensation and also given employment. It is also submitted that on representation made, respondent No.2 has registered a revenue case and enquiry is going on but till date, it has not been concluded.

3. Learned counsel for respondent No.3/ SECL submits that taking cognizance of the complaint, respondent No.3 also constituted a committee which enquired into the matter and submitted factual report on 23.07.2015 that the employment of respondent No.4 was not in lieu of acquisition but by way of direct recruitment. The land was purchased by the father of petitioners No.1 & 2 in the year 1979 whereas the notification for acquisition under Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (for short "the Act of 1957") was issued on 12.08.1975.

4. The matter involve serious disputed question of facts. The Notification under Section 4(1) of the Act of 1957 has been placed on record which appears to be prior to the date of purchase of the land by the father of petitioners No.1 & 2.

5. Therefore, no relief can be granted to the petitioners in this writ petition. The petition is dismissed however, the petitioners may, if so advised, take recourse to civil remedy.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E