

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2634 of 2016

- Smt. Neeta Bhatt, W/o Shri Ajay Kumar Bhatt, aged about 35 years, R/o Village Dusekela, District Raigarh (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Department of Revenue, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh
2. Collector, Raigarh, District Raigarh (CG)
3. Sub Divisional Magistrate, Kharsia, District Raigarh, CG.

---- Respondent

For Petitioner : Shri Saurabh Dangi, Advocate.
For Respondents : Shri A.S. Kachhawha, Additional AG.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. In petitioner's earlier writ petition bearing WPC No.188/2016, the following order was passed on 22.1.2016:-

“(2) Learned counsel for the petitioner would submit that the concerned authorities may be directed to decide his representation.

(3) The matter pertains to grant of inadequate compensation by the Land Acquisition Officer, who has acquired the petitioner's land for East Rail Corridor Project. The order dated 28.07.2015 passed by the Additional Collector-cum-Competent Authority would indicate that the compensation is to be determined in accordance with the provisions contained in the Right

to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short “the Act,2013”). By a subsequent order dated 19.08.2015, the award has already been passed and the compensation has been determined.

(4) If the petitioner is aggrieved on account of inadequacy of compensation, the appropriate remedy for him lies in moving an application for enhancement of the award amount under Section 51 of the Act, 2013. No direction for submission of representation or compensation thereof can be issued by this Court dehors the statutory scheme under the Act, 2013.

(5) For the foregoing, the writ petition is misconceived. It deserves to be and is dismissed in limine. However, the petitioner would be at liberty to move before the appropriate authority under Section 51 of the Act, 2013.”

2. It is argued that pursuant to the above said order, the petitioner has moved applications before the Land Acquisition Officer as well as the Collector, however, the matter is not referred for determination for payment of adequate compensation to the petitioner.
3. In the facts and circumstances of the case, the Writ Petition is disposed of with a direction that in the event the petitioner moves an application before the Collector, Raigarh under Section 64/65 of the Act, 2013 within a period of 15 days from today, the Collector, Raigarh shall refer the matter for adjudication within 6 weeks to the State Level Authority constituted under Section 51 of the Act, 2013. On receipt of reference, the State Level Authority shall decide the matter at the earliest, preferably within a period of 6 months from the date of receipt of reference.

Sd/-
Judge
(Prashant Kumar Mishra)