

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3019 of 2016**

- Beejmati D/o Gajeram Rathiya, Aged About 40 Years R/o Village Laat, Tehsil Dharamjaigarh, District Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. SECL Through Chairman Cum Managing Director Seepat Road, Bilaspur, (Chhattisgarh)
2. Collector, Collectorate, Raigarh, (Chhattisgarh)
3. Sub Divisional Officer, Tehsil Dharamjaigarh, District Raigarh, (Chhattisgarh)
4. Sub Area Manager, Chhaal Sub Area, S E C L, Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Rahul Tamaskar, Advocate
For Respondent No.1 & 4	:	Dr. NK Shukla, Sr. Adv. with Shri VR Tiwari, Advocate
For Respondent No.2 & 3	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/12/2016**

1. Petitioner is a land oustee as her land has been acquired for the benefit of SECL under the Provisions of Coal Bearing Areas (Acquisition and Development) Act, 1957. The object of preferring the present petition is to seek direction to the respondent authorities to not to forcefully dispossess the petitioner without deciding her representation (Annexure P-4) in light of the order passed by this Court in WPS No.432/2011.
2. Having heard learned counsel for the parties, it appears, once an award is passed and the compensation has been offered to the holder of the land,

the land vests in the Central Government for making it over to the SECL for the purpose of acquisition and this Court sitting under Article 226 of the Constitution of India may not issue any mandamus contrary to the statutory provisions. If the petitioner has any other claim flowing from the rehabilitation policy, she may raise her claim in accordance with law but cannot deny possession to the respondent.

3. In view of the above, the petition for directing the authorities not to dispossess the petitioner is not entertainable in view of the statutory provision, however, the respondents are also expected to decide petitioner's representation at the earliest. Let the petitioner's representation be decided in accordance with law within a period of three months from today.
4. Accordingly, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Ashu