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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 708 of 2017**

Balam Singh S/o Indal Singh Aged About 43 Years R/o Village Bhaskarpara,
Post Badhsara, Tahsil Bhaiyathan, District Surajpur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh)
4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh)
5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)

---- Respondents**And****WPC No. 713 Of 2017**

Bharat Singh S/o Rupan Singh Aged About 35 Years R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur (Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh)

4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh)
5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)

---- Respondents

And

WPC No. 709 Of 2017

Bal Mati, Aged About 45 Years, S/o Jannu Singh, R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh)
4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh)
5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)

---- Respondents

And

WPC No. 710 Of 2017

Dhaneshwar Singh, Aged About 35 Years, S/o Indra Jeet, R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyatha, District Surajpur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh)
4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh)
5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)

---- Respondents

And

WPC No. 716 Of 2017

Ramjeet Singh, Aged About 43 Years, I S/o Prem Sai, R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyathan, District Surajpur (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh).
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh).
4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh).
5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh).
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh).

---- Respondents

And

WPC No. 723 Of 2017

Vikram Singh, Aged About 35 Years, S/o Chunnu Singh, R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyatha, District Surjapur, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh)
4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh)
5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)

---- **Respondents**

And

WPC No. 600 Of 2017

Bhore Lal, Aged About 35 Years, S/o Rupan Singh, R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyatha, District Surjapur, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh S/o Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh)
4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh)

5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)

----- Respondents

And

WPC No. 722 Of 2017

Ram Adhin, Aged About 55 Years, S/o Late Gopal Singh, R/o Village Bhaskarpara, Post Badhsara, Tahsil Bhaiyatha, District Surjapur, (Chhattisgarh)

----- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Sub Divisional Officer (R), Baikunthpur, District Koriya (Chhattisgarh)
4. South Eastern Coalfields Limited, Through Its Managing Director, Basant Vihar, Seepat Road, Sarkanda, District Bilaspur (Chhattisgarh)
5. The Chief General Manager, S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)
6. The Senior Manager (Mining), S E C L, Baikunthpur Project, District Koriya (Chhattisgarh)

----- Respondents

For Petitioners	:	Mr.S.S.Rajput and Mr.Sangeet Kumar Kushwaha, Advocate
For Res.No.1 to 3	:	Mr.Gary Mukhopadhyay, Dy.G.A.
For Res.No.4 to 6	:	Dr.N.K.Shukla, Senior Advocate with Mr.Gautam Khetrapal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/08/2017

1. Since common question of law and facts are involved in these batch of writ petitions, they are heard together and are being disposed of by this common order.
2. These batch of writ petitions have been filed by the petitioners stating inter-alia that the petitioners' land have been acquired by the SECL, but compensation has not been paid to them and therefore, they are entitled for compensation along with interest @ 18% per annum from the date of acquisition till its realization and also prayed that SECL and its authorities be directed to consider their applications for employment under SECL according to the Rehabilitation Policy, 2007.
3. This Court by order dated 31.7.2017 directed the SECL to file affidavit of Managing Director supported by the documents about acquisition and payment of compensation.
4. Affidavit has been filed by the Managing Director on 22.8.2017 stating inter-alia that the petitioners' land were subjected to acquisition in the year 1999 to 2000 and compensation has been determined, the petitioners have been sent letters from 27.6.2001 to 4.7.2006, but compensation has not been received by them and non-payment of compensation is exclusively attributable to the petitioners.
5. Mr.S.S.Rajput, learned counsel appearing for the petitioners, would submit that compensation has been determined, but no such compensation has ever been offered to the petitioners, therefore, they are entitled for

compensation along with interest @ 18% per annum. He would further submit that since the petitioners' land have been acquired, they are entitled for consideration of their applications for employment according to the Rehabilitation Policy, 2007. He would also submit that compensation has not been deposited by the SECL in the Tribunal.

6. On the other hand, Dr.N.K.Shukla, learned Senior Advocate along with Mr.Gautam Khetrapal, learned counsel appearing for respondents No.4 to 6, would submit that the petitioners are not entitled for any interest and delay is attributable to the petitioners.

7. Special acquisition has been made under the Coal-Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter called as 'Act of 1957'). Section 17 deals with payment of compensation which reads as under:-

“17.Payment of compensation.—(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If the persons interested or entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso, shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.”

Sub-section (3) of Section 17 of the Act 1957 provides that when the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per cent per annum from the time the compensation became due until it shall have been so paid or deposited.

8. It is clearly submitted by Mr.Gautam Khetrapal that amount of compensation has not been deposited by the SECL in the Tribunal and it has not been paid to the petitioners also.
9. In view of the above, the petitioners are entitled for interest as per provisions contained in Section 17(3) of the Act of 1957, therefore, the respondent-SECL is directed to pay the amount of compensation as determined in Section 17(3) of the Act of 1957 along with interest as per Section 17(3) of the Act of 1957 within a period of 45 days from the date of receipt/production of copy of this order on behalf of the petitioners.
10. So far as the employment/rehabilitation is concerned, the respondent-SECL is directed to consider the case of the petitioners strictly in accordance with law for employment/rehabilitation.
11. With the aforesaid observation, all the writ petitions finally stand disposed

of. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-