

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.3120 of 2016

- Devendra Kumar Tiwari S/o Late Shri Yadunandan Prasad Tiwari, Aged About 82 Years Occupation Cultivator, R/o Village Adbhar, Tah: Sakti, District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. The Collector, Janjgir, P.S. Janjgir, District Janjgir Champa, (Chhattisgarh)
3. Sub Divisional Officer, Through: Its Public Works Department, (Road), Sub Divisiion- Sakti, P.S. Sakti, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri R. R. Sinha, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy.GA

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/04/2017

Heard.

2. The petitioner has approached this Court presumably because the petitioner's grievance against the compensation amount has remained pending without any decision. It appears that the land of the petitioner was acquired under land acquisition proceedings and award was passed on 28-04-2016 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (For short "the Act of 2013"). The petitioner, however, is not satisfied with the compensation amount paid to him, for the reasons stated in the application (Annexure P/8), he was entitled to compensation at the rate claimed by him.

3. The statutory scheme of the Act of 2013 adequately takes care of such a situation, where dispute with regard to quantum of compensation is raised by the person whose land has been acquired. Under Section 64 of the Act of 2013, reference can be made to the competent authority that any person interested is not accepting the award and applies in writing to the Collector and seeking reference to the dispute for the purpose of determination of the amount of compensation. According to the petitioner, such application has already been made. The application filed by the petitioner is also placed on record as Annexure P/8.

4. Therefore, in this situation, I am not inclined to proceed further in the matter. The respondent No.2-Collector is directed to make reference as required under Section 64 of the Act of 2013 before the competent authority for adjudication of petitioner's claim under the law.

5. With the aforesaid observation, this petition is finally disposed off.

SD/-
(Manindra Mohan Shrivastava)
Judge