NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2093 of 2016

1. Kishore Yadav, aged 45 years, S/o Keja Ram, Occupation Agriculturist, R/o Pendari, Police Station & Tahsil Takhatpur, Civil & Revenue District Bilaspur (C.G.)

2. Satish Yadav, aged about 47 years, S/o Manrakhan Lal Yadav, Occupation Agriculturist, R/o Pendari, Police Station & Tahsil Takhatpur, Civil & Revenue District Bilaspur (C.G.)

3. Laxmi Prasad Kaushik, aged about 61 years, S/o Sadhuram Sahu, Occupation Agriculturist, R/o Pendari, Police Station & Tahsil Takhatpur, Civil & Revenue District Bilaspur (C.G.)

4. Saroj Sharma, aged about 38 years, S/o Dukeshwar Prasad Sharma, Occupation Agriculturist, R/o Pendari, Police Station & Tahsil Takhatpur, Civil & Revenue District Bilaspur (C.G.)

5. Manoj Beriwal, aged about 45 years, S/o Seetaram Bariwal, Partner M/s. Mangalam Construction, Kranti Nagar, Bilaspur, Police Station Tarbahar, Tahsil, Civil & Revenue District Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, Department of Water Resources, Mahanadi Bhawan, Mantralaya, Raipur, Police Station Rakhi, District Raipur, Civil & Revenue District Raipur (C.G.)

2. Collector, Collectorate Compound, Bilaspur, Police Station Civil Line, Tahsil & District Bilaspur (C.G.), Civil and Revenue District Bilaspur (C.G.)

3. Sub Divisional Officer cum Land Acquisition Officer Kota, Police Station & Tahsil Kota, Civil and Revenue District Bilaspur (C.G.)

4. Executive Engineer, Water Resources Division Kota, Police Station & Tahsil Kota, Civil and Revenue District Bilaspur (C.G.)

---- Respondents

For Petitioners:	Mr. Ratnesh Kumar Agrawal, Advocate.
For Respondents/State:	Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/08/2017

1. Learned counsel for the petitioners submits that the petitioners have filed their response/reply to the notice under Section 15(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which has not been considered and decided. He also submits that the petitioners have raised objection that old canal is situated at Village Pendari, Tahsil Takhatpur, District Bilaspur and there is no necessity to construct new canal and it can be conveniently accommodated in old canal, which has also not been decided under the said Act and the Rules made thereunder and the petitioners' land is being acquired for protecting the land of builders.

2. Be that as it may, the appropriate Government is directed to consider all the objections preferred by the petitioners under Section 15 (2) of the Act, 2013 and also the availability of alternative canal in accordance with the provisions of the said Act, expeditiously, in accordance with law.

3. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma