

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 231 of 2017

1. Mahendra Kumar Sahu S/o Lochansingh Sahu, Aged About 49 Years Occupation Agriculturist, R/o Ramev Chowk, Sadar Road, Balod, District Balod (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector, District Balod (Chhattisgarh)
3. Chief Executive Engineer, Public Works Department, Balod Division, Balod, District Balod (Chhattisgarh)

---- Respondent

For Petitioner
For Respondent/State

Ms. Anju Ahuja, Advocate
Shri A.S. Kachhawaha, Addl. Adv.
General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/02/2017

1. This petition under Article 226 of the Constitution of India is preferred for a direction to the respondents to pay the enhanced amount of compensation by working out the same in view of the recent guidelines (Annexure – P/7).

2. It appears, petitioner's land has been acquired for construction of Balod-Padkibhat By-Pass road. The award amount has already been calculated in terms of provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013'). The petitioner is aggrieved by inadequacy of the award.
3. Considering the fact that the Act, 2013 provides for a remedy under Sections 64 & 65 of the Act, 2013 for making a reference to the Collector, who shall, thereafter, referred the matter to the authority constituted under Section 51 of the Act, 2013, the writ petition is disposed of with a direction that the petitioner may prefer application before the concerned Collector in terms of Sections 64 & 65 of the Act, 2013 and the said Collector, thereafter, refer the matter for adjudication by the State level authority constituted under Section 51 of the Act, 2013.
4. Since there appears no written promise to the petitioner for rehabilitation by providing employment, the petitioner may prefer a separate writ petition for the said relief on the basis of any Government circular or instruction, if they are available.

Sd/-

Gowri

Judge
Prashant Kumar Mishra