

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 373 of 2017**

- Khemnidhi Nayak S/o Late Shri Komal Prasad Nayak, Aged About 61 Years R/o Village Bajarmuda, Post Saraitola, Tahsil Tamnar, Distt Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue & Disaster Management, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Bilaspur Division, Bilaspur, (Chhattisgarh)
3. Collector, Raigarh, (Chhattisgarh)
4. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Gharghoda, Distt Raigarh (Chhattisgarh)
5. Deputy Chief Engineer, South East Central Railway, Raigarh (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Dhaniram Patel, Advocate
For Respondent /State	Mr. A.S. Kachhwaha, Addl. AG
For Respondent /Railways	Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

16/2/2017

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.

2. It appears, petitioner's land has been acquired for construction of East Rail Corridor Rail Project (0 -28 kms.) 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.
5. It is made clear that the State Level Authority shall decide the matter strictly in accordance with law without being influenced by any of the observations made in this order. Sd/-

Judge

(Prashant Kumar Mishra)