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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2523 of 2017**

Sakhan Singh, S/o Shri Samaru, aged about 60 years, R/o Village Budbud, Thana Pali, Tahsil Pali, District Korba (CG).

---- Petitioner**Versus**

1. South Eastern Coalfields Ltd. Through Its Chairman - Cum - Managing Director (C M D), S E C L, Seepat Road, Bilaspur Chhattisgarh.
2. Chief General Manager, South Eastern Coalfields Ltd. Korba Area (Saraipali Open Cast Project), Korba, District Korba Chhattisgarh.
3. District Collector - Cum - Officiating Dy. Secretary, Government Of Chhattisgarh, Collectorate, Korba, District Korba Chhattisgarh.
4. Land Acquisition Officer / Sub - Divisional Officer, Tahsil Katghora, Civil & Revenue District Korba Chhattisgarh.

---- Respondents

For Petitioner : Mr. Sanjay Kumar Agrawal, Advocate
 For State/Respondents : Mr. Gary Mukhopadhyay, Dy.G.A. & Mr. Shailendra Shukla, Advocates

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

12/09/2017

(1) The office objection is overruled.

(2) Learned counsel appearing for the parties would submit that issue raised in this writ petition is covered by order dated 11.09.2017 passed in Writ Petition (C) No.3076 of 2016 (*Pyarelal Vs. South Eastern Coalfields Ltd. & Others*) in which, this Court has observed as under:-

“66. As a fallout and consequence of above-stated legal analysis, it is directed as follows:-

1. Part of the writ petitions challenging the land acquisition award and the land acquisition proceedings of the petitioners' land is dismissed on the ground of delay and laches as well as on the ground that the petitioners are not entitled to take mutually inconsistent and destructive plea based on the doctrine of election. The petitioners are not entitled for the benefit of Section 24(2) of the Act of 2013.

2. The petitioners are not entitled for calculation of enhanced compensation as per the new Land Acquisition Act of 2013 or as per the revised rate announced by the Government on 19.03.2010.

3. The petitioners are entitled for consideration of rehabilitation as per the policy prevalent on the date of acquisition of their land within 45 days from the date of production of a copy of this order. In consequence, the writ petitions are allowed in part only qua the rehabilitation.

67. The writ petitions are partly allowed to the extent sketched herein-above leaving the parties to bear their own costs.”

(2) Accepting the submission of learned counsel for the parties, the writ petition is disposed of in similar terms of Pyarelal (supra) in Writ Petition (C) No.3076/2016.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-