

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 905 of 2017

Ashok Agrawal S/o Late Shri Jagmohan Das Agrawal, Aged About 51 Years R/o Jain Mandir Road, Kranti Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector Bilaspur, Collectorate, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh)
3. Land Acquisition Officer-Cum- Sub Divisional Officer (Revenue), Bilha, District Bilaspur (Chhattisgarh) **---- Respondents**

For Petitioner	:	Mr. Amrito Das, Advocate.
For State	:	Mr. R.K. Mishra, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/04/2017

Heard.

1. This petition has been filed by the petitioner seeking a direction to the respondents to pay compensation against acquisition of his land, on the rates applicable in respect of a diverted land.

2. Learned counsel for the petitioner submits that the land of the petitioner was acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "the Act of 2013"). However, when compensation was worked out, the rate applicable to undiverted land has been applied, whereas the compensation of the petitioner's land is much more than what has been assessed as the petitioner's land, at the time of acquisition, was a diverted land, for which a different rate has been prescribed by the competent authority itself.

3. The relief which is sought to be raised before this Court can be raised by the petitioner by way of reference under Section 64 of the Act of 2013 which empowers the competent authority to decide such objection with regard to amount of compensation.

4. Learned counsel for the petitioner raised an apprehension that delay in filing the application may come in the way of consideration of his application on merits.

5. The proviso to Sub-Section 2 of Section 64 of the Act of 2013 contains provision for condonation of delay in filing the reference application, which can be pressed into service by the petitioner on available grounds seeking condonation as are available under the law. The period during which this petition has remained pending, shall definitely be excluded from counting the period of limitation.

6. With the aforesaid liberty, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E