

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 526 of 2015**

Gopal Lahre, S/o Shri Darasram Lahre, aged about 68 years, resident of village Kanakpur, Sub Tahsil Bamhanidih, Tahsil Champa, P.S. Bamhanidih, Civil and Revenue District Janjgir Champa (C.G.)

---- Petitioner**versus**

1. State of Chhattisgarh Through Secretary: Water Resources Department, Mantralaya Mahanadi Bhawan, Naya Raipur (C.G.)
2. Collector, (Land Acquisition Officer) Janjgir Champa, District Janjgir Champa (C.G.)
3. Sub Divisional Officer (Revenue), Office of Sub Divisional Officer Sakti, District Janjgir Champa (C.G.)
4. Executive Engineer, Water Resources Department, Janjgir Head Office Champa, District Janjgir Champa (C.G.)
5. Sub Divisional Officer, Water Resources Department, Janjgir Sub Division Champa, District Janjgir Champa (C.G.)

---- Respondents

For Petitioner	:	Shri Indrasen Sahu, Advocate
For Respondent/State	:	Shri Arun Sao, Deputy Additional Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****10/02/2017**

1. This case reflects total apathy of the authorities of the State towards its citizens. The grievance of the Petitioner is that in the year 1980 for the purpose of construction of canal know as Soan Diversion Project, land of the Petitioner was taken over and the canal was constructed on the same. However, neither the land was acquired nor compensation was not paid to him. After 29 years, in the year 2009 acquisition proceedings were started

and some amount was deposited on 30.03.2011. However no final award was passed. Thereafter the Petitioner filed Writ Petition (C) No. 1567 of 2013. In the meantime the Land Acquisition Act, 1894 was repealed and a new Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force. After this new Act came into force, on 13.10.2014, notice under Section 9 of the Act was issued to the Petitioner and the Petitioner submitted reply to the same on 10.11.2014 requesting for compensation including interest. Thereafter the Petitioner withdrew the earlier writ petition and he was permitted to make representation to the authorities. After withdrawal of the writ petition, he made a representation to the authorities, but according to the Petitioner till date no action was taken for announcing the award and paying him the compensation.

2. The stand of the State is mentioned in para-2 of its reply. Therefore, even according to the State, process to acquire the land was initiated on 13.10.2014. According to the stand, the award under Section 25 of the new Act has to be announced within a period of twelve months from the date of publication of the declaration under Section 19 of the new Act and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse. Proviso to this Section provides that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same, but, any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned. Therefore even as per the State, the award should have been announced latest by 12.10.2016.

3. An application has been filed by the applicant to bring on record certain subsequent developments. In this application, it is stated that in fact an award was announced on 30.5.2016 but vide order dated 12.7.2016, Respondent No. 2 has refused to approve the award and returned to the same to Respondent No.3. This is not the way in which authorities are supposed to act and the award has not been announced till date. Therefore, no award has been announced till date. As such, the acquisition proceedings have lapsed.
4. In view of the above, this writ petition is disposed of with the following directions:
- (i) The Respondents shall within one month, initiate fresh proceedings for acquisition of the land of the Petitioner and assess compensation as per the market rate on the date when the fresh proceedings are initiated and the award shall be passed within six months thereafter.
 - (ii) In case no award is passed and the amount is not paid to the Petitioner within six months, the Respondent shall be liable to face action under the Contempt of Courts Act.
 - (iii) Keeping in view the harassment meted out by the Petitioner, the Respondent shall be liable to pay cost of Rs. 20,000/-. This cost be paid within six weeks from today. The State shall be at liberty to recover the amount of Rs.20,000/- from the official on whose account the delay occurred in announcing the award.
5. In view of the above, I.A. No. 2 of 2017 for urgent hearing stands also disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE