

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1053 of 2013**

1. Bhikhari Lal Sahu, S/o Late Narayan Sahu Aged 62 Years R/o Village Dhansulli, PS Mahasamund, Dist Mahasamund, Chhattisgarh
2. Smt. Ram Kunwar Bai, Wd/o Arjun Gada, aged 68 years, R/o village Gadbeda, Tah. Pithora, PS Pithora, Dist. Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Raipur, Chhattisgarh
2. The Collector Distt. Mahasamund C.G.
3. The Executive Engineer, Kodar Reservoir Project, WRD, Mahasamund Distt. Mahasamund C.G.
4. The Sub Divisional Officer Kodar, Kodar Reservoir Project, WRD, Mahasamund Distt. Mahasamund C.G.

---- Respondent

For Petitioner
For Respondent/State

Shri Harishankar Patel, Advocate
Shri P.K. Bhaduri, Govt. Advocate

Order On Board**By****Prashant Kumar Mishra, J.****29/08/2018**

1. Petitioner's land has been used for Kodar Irrigation Project in the year 1983-84, however, the land was never acquired in accordance with law, therefore, the petitioners seek a direction to the respondents for determining and disbursement of compensation or to provide equal area of lands in lieu of compensation.

2. Learned counsel for the State would submit, at the outset, by referring para 2 of the return, that the preliminary notification under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has already been issued by the Collector, Mahasamund, vide Annexure – R/1 and the proceedings thus commenced would be completed in accordance with law.
3. In view of the statement made and in view of the order passed by this Court in **Banshilal Sidar v State of Chhattisgarh & Others**¹, wherein this Court has observed that when there is deprivation of constitutional right as enshrined under Article 300A of the Constitution of India, adequate compensation has to be paid in all respects and the State authorities should take immediate steps to compute the compensation amount and pay the interest from the date of possession, till the amount of is paid. The writ petition is disposed of with a direction that while determining the compensation the authorities shall consider payment of interest to the petitioner from the date of dispossession.

Sd/-

Judge
Prashant Kumar Mishra

Gowri

¹ WPC No.4628 of 2011 (decided on 19-10-2011)