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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1850 of 2018**

- Neera Bai W/o Shri Gorelal Yadav, Aged About 52 Years R/o Village Pali, Post Padaniya, Tehsil Katghora, P.S. And District Korba Chhattisgarh.

---- **Petitioner****Versus**

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi.
2. South Eastern Coalfields Limited, Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.
3. Chief General Manager, South Eastern Coalfields Limited, Kusmunda Area, District Korba Chhattisgarh.
4. Collector, Korba, District Korba Chhattisgarh.
5. Sub Divisional Officer (Revenue) Katghora, District Korba Chhattisgarh.

---- **Respondent****WPC No. 1799 of 2018**

- Chandrashekhar Shukla S/o Late Parmeshwar Prasad Shukla, Aged About 43 Years R/o. Village Pali, Post Office Padaniya, Tehsil Katghora, Police Station And District Korba Chhattisgarh.

---- **Petitioner****Versus**

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi.
2. South Eastern Coalfields Limited, Through Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.
3. Chief General Manager, South Eastern Coalfields Limited, Kusmunda Area, District Korba Chhattisgarh

4. Collector, Korba, District Korba Chhattisgarh.
5. Sub Divisional Officer (Revenue), Katghora, District Korba Chhattisgarh.

---- Respondent

WPC No. 2126 of 2018

- Jaldhar S/o Ramayan Prasad Aged About 28 Years R/o Village - Khamhariya Basti, Vikas Nagar, Kusmunda, Tehsil - Katghora, Police Station And District Korba Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi.
2. South Eastern Coalfields Limited, Through Chairman Cum Managing Director, South Eastern Coalfields Limited Seepat Road, Bilaspur Chhattisgarh.
3. Chief General Manager, South Eastern Coalfields Limited, Kusmunda Area, District Korba Chhattisgarh.
4. Collector, Korba District Korba Chhattisgarh.
5. Sub - Divisional Officer (Revenue) Katghora District Korba Chhattisgarh.

---- Respondent

WPC No. 2128 of 2018

- Kashi Das S/o Sadasi Das Aged About 50 Years R/o Village - Pali, Post Office Padaniya, Tehsil Katghora, Police Station And District Korba Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi.
2. South Eastern Coalfields Limited, Through Chairman - Cum - Managing Director South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.

3. Chief General Manager, South Eastern Coalfields Limited, Kusmunda Area, District Korba Chhattisgarh.
4. Collector, Korba District Korba Chhattisgarh.
5. Sub - Divisional Officer (Revenue) Katghora District Korba Chhattisgarh.

---- Respondent

WPC No. 2129 of 2018

- Janrail Singh S/o Late Harbansh Singh Aged About 38 Years R/o Qtr. No. 1082 Bajrang Chowk, Imli Duggu, Sitamani Korba Ward No. 08 Korba District Korba Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi.
2. South Eastern Coalfields Limited, Through Chairman - Cum - Managing Director South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh.
3. Chief General Manager, South Eastern Coalfields Limited, Kusmunda Area, District Korba Chhattisgarh.
4. Collector, Korba District Korba Chhattisgarh.
5. Sub - Divisional Officer (Revenue) Katghora District Korba Chhattisgarh.

---- Respondent

WPC No. 2133 of 2018

- Dauram S/o Samar Sai Aged About 45 Years R/o Village Pali, Post Office- Padaniya, Tehsil- Kotghora, Police Station And District- Korba, Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through, Secretary, Ministry Of Coal, New Delhi.
2. South Eastern Coalfields Limited Through Chairman-Cum Managing

Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh.

3. Chief General Manager South Eastern Coalfields Limited, Kusmunda Area, District- Korba, Chhattisgarh.
4. Collector Korba, District- Korba, Chhattisgarh.
5. Sub Divisional Officer (Revenue) Katghora, District- Korba, Chhattisgarh.

---- Respondent

WPC No. 2319 of 2018

- Neera Bai D/o Krishna Ram Aged About 50 Years R/o Village - Pali Post - Padaniya, Tehsil - Katghora Police Station And District Korba Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi.
2. South Eastern Coalfields Limited, Through Chairman Cum Managing Director, South Eastern Coalfields, Limited Seepat Road, Bilaspur Chhattisgarh.
3. Chief General Manager, South Eastern Coalfields Limited Kusmunda Area District Korba Chhattisgarh.
4. Collector, Korba District Korba Chhattisgarh.
5. Sub - Divisional Officer (Revenue) Katghora, District Korba Chhattisgarh.

---- Respondent

For Petitioners : Shri Chandresh Shrivastava, Advocate.

For Respondent No.1: Shri Krishna Gopal Yadav on behalf of Shri B. Gopakumar, ASG

For Respondent/SECL : Shri Sudhir Bajpai, Shri VR Tiwari & Shri Shailendra Shukla, Advocates.

For Respondent/State : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/08/2018

1. There is no dispute that the petitioners' lands have been acquired for the benefit of SECL under the provisions of the Coal Bearing Area (Acquisition & Development) Act, 1957 (for short 'the Act'). The dispute which subsists between the parties is in respect of adequacy of compensation and the interest payable on the amount of compensation. The second contest between the parties is about application of rehabilitation policy from the date on which the land was acquired or under the new policy which came into effect in the year 2012.
2. Learned counsel for the petitioners would submit that the issue concerning applicability of Resettlement and Rehabilitation Policy is governed by the order passed by this Court in the matter of **Ku. Rattho Bai & Another Vs. South Eastern Coalfields Limited & Others** {(WPS No.432/2011, decided on 23.7.2015}, while the same is disputed by the respondents.
3. Insofar as the issue concerning adequacy of compensation and payment of interest is concerned, the petitioners have remedy of moving before the Tribunal constituted under Section 14 of the

Act.

4. Let the petitioners move before the Tribunal within a period of one month from today. On such application for grant of adequate compensation, the claim of the petitioners shall be decided on merits without raising plea of limitation.
5. For other relief in respect of applicability of rehabilitation policy and grant of employment under the said policy to a member of the petitioners' family or their dependents, the petitioners may move fresh representation before the respondent/SECL within a period of one month, who in turn, shall decide the same, in accordance with law within a period of 3 months thereafter. The representation shall be decided by a reasoned order expressly dealing with the issue as to whether the order passed by this Court in **Ku. Rattho Bai** (referred to above) is applicable or not.
6. All the Writ Petitions stand disposed of in the above stated terms.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve