

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1978 of 2018

1. Hem Bai D/o Late Jethu Aged About 60 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 Petitioner	Shri Chandresh Shrivastava, Advocate
For Respondent/UOI	Shri Vaibhav P. Shukla, Advocate on behalf of Shri B. Gopa Kumar, ASG
For Respondent/State	Shri Shashank Thakur, Govt. Advocate

Order On Board

By

Prashant Kumar Mishra, J.

22/10/2018

1. There is no dispute that the petitioner's land has 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 petitioner 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 petitioner has remedy of moving before the Tribunal constituted under Section 14 of the Act.
4. Let the petitioner move before the Tribunal within a period of one month from today. On such application for grant of adequate compensation, the claim of the petitioner 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 petitioner's family or her dependents, the petitioner 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. Accordingly, the writ petition stands disposed of in the above stated terms.

Sd/-

Judge

Prashant Kumar Mishra

Gowri