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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2592 of 2018

- Bhumendra Kumar S/o Gorelal Aged About 20 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. 2593 of 2018

- Ajay Kumar Dewangan S/o Late Dukhi Ram Dewangan Aged About 37 Years R/o Village Purani Basti, Dewanganpara, Korba, Tehsil, 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

---- Respondents

WPC No. 2594 of 2018

- Shyam Kumar, S/o Ram Pyare, Aged About 41 Years, R/o Sarwa Mangla Road, Patel Para, 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, Kasmunda Area, District Korba, Chhattisgarh
4. Collector Korba, District Korba, Chhattisgarh
5. Sub Divisional Officer (Revenue) Katghora, District Korba, Chhattisgarh

---- Respondents

For Petitioners	Shri Chandresh Shrivastava, Advocate
For Respondent-State	Shri P. K. Bhaduri, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

24/09/2018

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/-

Prashant Kumar Mishra
Judge

Nirala