

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2772 of 2018

- Purushottam Lal Dewangan S/o Late Khedu Ram, Aged About 78 Years, R/o Vill.- 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

---- Respondent

WPC No. 2789 of 2018

- Santosh Kumar S/o Jeevan Lal Aged About 36 Years R/o Purani Basti, Dewangan Mohalla, Police Station and Tehsil 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., District : Korba, Chhattisgarh
5. Sub - Divisional Officer (Revenue) Katghora, District Korba Chhattisgarh

---- Respondent

WPC No. 2791 of 2018

- Shobhnath S/o Chhedilal Kewat, Aged About 41 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

---- Respondents

For Petitioners	Shri Chandresh Shrivastava, Advocate
For Respondent-State	Shri Anand Dadariya, GA
For Respondent-SECL	Ms. Nirupama Bajpai, Advocate on behalf of Shri Sudheer Bajpai, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

08/10/2018

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