

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 2928 of 2018**

1. Narsingh Prasad Sahu, S/o Shri Panchram Sahu, Aged About 40 Years, R/o Village Bijari, Post Porda, Tahsil Gharghoda, District- Raigarh, Chhattisgarh
2. Jagannath Prasad Sahu S/o Shri Panchram Sahu Aged About 41 Years R/o Village Bijari, Post Porda, Tahsil Gharghoda, District- Raigarh, Chhattisgarh
3. Bholaram Sahu S/o Shri Bhajram Sahu Aged About 47 Years R/o Village Bijari, Post Porda, Tahsil Gharghoda, District- Raigarh, Chhattisgarh
4. Brijesh Sahu S/o Bholaram Sahu Aged About 24 Years R/o Village Bijari Post Porda, Tahsil Gharghoda, District- Raigarh, Chhattisgarh
5. Lekhram Sahu S/o Late Shri Nandram Sahu Aged About 76 Years R/o Village Bijari, Post Porda, Tahsil Gharghoda, District- Raigarh, Chhattisgarh
6. Bhajram Sahu S/o Late Shri Nandram Sahu Aged About 74 Years R/o Village Bijari, Post Porda, Tahsil Gharghoda, District- Raigarh, Chhattisgarh

**---- Petitioner**

**Versus**

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

**---- Respondents**

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For Petitioner

Shri R. S. Patel, Advocate

For Respondent-UOI

Shri B. Gopa Kumar, ASG

For Respondent-State

Shri Shashank Thakur, GA

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**Hon'ble Justice Mr. Prashant Kumar Mishra**

**Order On Board**

**23/10/2018**

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. The Writ Petition stands disposed of in the above stated terms.

Sd/-

Prashant Kumar Mishra  
Judge

Nirala