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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3317 of 2018**

1. Bharat Lal Sahu S/o Shri Bhajram Sahu, Aged About 61 Years
R/o. Village Bijari, Post Porda, Tahsil Gharghoda, District Raigarh
Chhattisgarh
2. Ghanshyam Prasad Sahu, S/o Shri Panchram Sahu, Aged About
50 Years R/o Village Bijari, Post Porda, Tahsil Gharghoda, District
Raigarh Chhattisgarh
3. Panchram Sahu, S/o Shri Nandram Sahu, Aged About 70 Years
R/o Village Bijari, Post Porda, Tahsil Gharghoda, District Raigarh
Chhattisgarh

---- Petitioner**Versus**

1. The Union Of India Through Secretary, Ministry Of Coal, Delhi
(India)
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,
Raigarh Area, District Raigarh Chhattisgarh
4. Collector, Raigarh, District Raigarh Chhattisgarh
5. Sub Divisional Officer (Revenue), Raigarh, District Raigarh
Chhattisgarh

---- Respondent

For Petitioner
For Respondent/VOI

Mr. RS Patel, Advocate
Mr. B. Gopakumar, Assistant Solicitor
General

For Respondent/SECL

Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

4.12.2018

1. There is no dispute that the petitioners' 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 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 petitioner has 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

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