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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3319 of 2018

- Chamra Ram, S/o Ran Sai, Aged About 70 Years, R/o Village Pali, P. O. Padaniya, Tehsil Katghora, Police Station and District Korba, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi., District : New Delhi, Delhi
2. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager South Eastern Coalfields Limited, Kusmunda Area, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Collector, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Sub Divisional Officer (Revenue) Katghora, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

WPC No. 2027 of 2018

- Sapuran Das S/o Jagat Das Aged About 70 Years R/o Village-Pali, Post Office- Padaniya, Tehsil- Katghora, Police Station And District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi., District : New Delhi, Delhi
2. South Eastern Coalfields Limited Through- Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager, South Eastern Coalfields Limited, Kusmunda Area, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

4. Collector Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Sub Divisional Officer (Revenue) Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

WPC No. 3325 of 2018

- Rammati W/o Heeralal Aged About 60 Years D/o Jagannath, R/o Village - Bhilai, Post Office - Urga, Police Station - Korba, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. The Union Of India Through Secretary, Ministry Of Coal, New Delhi., District : New Delhi, Delhi
2. South Eastern Coalfields Limited Through Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager South Eastern Coalfields Limited, Kusmunda Area, District - Korba Chhattisgarh., District : Korba, Chhattisgarh
4. Collector Korba, District - Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Sub - Divisional Officer (Revenue) Katghora, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

WPC No. 3327 of 2018

- Narendra Pal Singh S/o Harbansh Singh Aged About 36 Years R/o Q. No.108, Bajrang Chowk, Imli Duggu, Sitamni, Police Station and District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi.,

District : New Delhi, Delhi

2. South Eastern Coalfields Limited Through Chairman Cum Managing Director South Eastern Coalfields Limited Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager South Eastern Coalfields Limited Kusmunda Area, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Collector Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Sub Divisional Officer (Revenue) Katghora, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

WPC No. 3330 of 2018

- Ram Kumar S/o Hulasram Aged About 43 Years R/o Village Pali, P. O. Padaniya, Tehsil Katghora, Police Station And District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. The Union Of India Through Secretary, Ministry Of Coal, New Delhi., District : New Delhi, Delhi
2. South Eastern Coalfields Limited Through Chairman Cum Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager South Eastern Coalfields Limited, Kusmunda Area, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Collector Korba District Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Sub Divisional Officer (Revenue) Katghora District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

WPC No. 3331 of 2018

- Babita Yadav D/o Pyarelal Yadav Aged About 26 Years R/o Village Pali, Post Office Padaniya, Tehsil Katghora, Police Station And District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal, New Delhi., District : New Delhi, Delhi
2. South Eastern Coalfields Limited Through Chairman Cum Managing Director South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager South Eastern Coalfields Limited, Kusmunda Area, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Collector Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Sub Divisional Officer (Revenue) Katghora, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

WPC No. 3332 of 2018

- Puni Bai W/o Sapuran Aged About 65 Years R/o Village Pali, Post Office- Padaniya, Tehsil Katghora, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal New Delhi., District : New Delhi, Delhi
2. South Eastern Coalfields Limited Through Chairman Cum Managing Director South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager South Eastern Coalfields Limited, Kusmunda Area, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Collector Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

5. Sub Divisional Officer (Revenue) Katghora, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

WPC No. 3339 of 2018

- Basanta Bai D/o Bali Das Aged About 40 Years R/o Village Pali, Post Office- Padaniya, Tahsil - Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Coal New Delhi., District : New Delhi, Delhi
2. South Eastern Coalfields Limited Throgh Chairman-Cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Chief General Manager South Eastern Coalfields Limited, Kusmunda, Area, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Collector Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Sub Divisional Officer (Revenue) Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

For Petitioners	Shri Chandresh Shrivastava, Advocate
For Respondent-State	Shri Avinash Singh, PL
For Respondent-UOI	Shri B. Gopa Kumar, ASG
For Respondent-SECL	Shri S. K. Bajpai, Advocate in WPC Nos.3319, 3327, 3330, 3331, 3332 & 2027 of 2018 and Shri Vaibhav Shukla, Advocate in WPC Nos.3325 & 3339 of 2018

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

05/12/2018

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