

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 618 of 2019

- Smt. Kalavati Gupta, W/o Late Fagu Prasad Gupta, Aged About 50 Years, R/o House No.12, Sahu Rice Mill Para, Village-Singarbhat, Tah. Kanker, District- North Bastar Kanker, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector-cum-Officiating Dy. Secretary (In Land Acquisition Matter), Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. SDO-cum-Land Acquisition Abhanpur (Performed The Duties Of A Collector In The Matter Of Land Acquisition Matter), Tahsil Abhanpur, Distict- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner
For Respondent-State

Shri Sushobhit Singh, Advocate
Shri Rajesh Singh, Dy. GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

25/02/2019

1. Learned counsel for the petitioner would submit that while acquiring the petitioner's land for the purpose of construction of Naya Raipur, land acquisition award was passed on 22.07.2013. However, the award amount was disbursed to the petitioner only in October, 2018, therefore, the petitioner is entitled to interest on the award amount under Section 34 of the Land Acquisition Act, 1894.

2. Learned counsel would draw attention of the Court to the law laid down by the Supreme Court in the matter of **Union of India and another vs Pushpavathi and others**, reported in (2018) 3 SCC 28, to highlight that the writ petition is maintainable to claim interest under Section 34 of the Act, 1894.
3. Considering the entire facts situation of the case and the judgment rendered by the Hon'ble Supreme Court, the writ petition is disposed of with direction that in the event the petitioner moves a representation before the respondent Nos.2 & 3 claiming the interest for the period of passing of the award and its disbursal, within a period of 4 weeks from today, the said respondents shall consider and decide the representation at the earliest, preferably within a period of 4 months thereafter.

Sd/-
Prashant Kumar Mishra
Judge

Nirala