

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1249 of 2019

1. Khorbahra Sahu, S/o. Shri Lekhram Sahu, Aged About 35 Years,
 2. Sukhram Sahu, S/o. Shri Lekhram Sahu, Aged About 32 Years, &
 3. Santsammelan Sahu, S/o. Shri Lekhram Sahu, Aged About 35 Years,
- All are R/o. Village Khirjhiti, Thana And Tahsil Pandariya, Civil And Revenue District- Kabirdham, Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh, Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
2. Collector Kabirdham, District- Kabirdham, Chhattisgarh.,
3. Sub Division Officer Revenue, Pandariya, District- Kabirdham, Chhattisgarh.,
4. Executive Engineer Water Resource Department, Lormi, Division Mungeli, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Sumit Shrivastava, Advocate
For State	:	Mr. Sumit Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.04.2019

Heard

1. The grievance raised in the present petition is that though the petitioners' land was well irrigated and much valued, but the adequate compensation has not been paid to them. It is submitted that an application was made to the Collector for grant of proper compensation and the same still remains undecided.
2. Learned counsel for the petitioner submits that for the present, the concerned respondent may be directed to decide the application of the petitioners for adequate compensation within a stipulated time.

3. Section 64 of “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013” (hereinafter referred as the 'Act') provides a reference to the Authority. A reading of sub-section 1 of Section 64 of the Act purports that any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation etc. The proviso to sub-section (1) of Section 64 of the Act says that the Collector shall, within a period of 30 days from the date of receipt of the application, make a reference to the Appropriate Authority. Further provision is also added to Section 64 of the Act that where the Collector fails to make such reference within a period of 30 days, the applicant may directly file an application before the Appropriate Authority, as the case may be, requesting it to direct the Collector to make the reference within a period of 30 days.
4. As has been stated, the application was filed before the Collector/ SDO to make a reference by the petitioners whose lands have been acquired and they have not accepted the award. It is apparent that Section 64 gives a further right to make an application to the appropriate Authority requesting the Collector to make a reference. Therefore, in view of the proviso to sub-section (1) of Section 64, the petitioner shall be at liberty to make a suitable application before the appropriate Authority within a further period of 30 days. If such an application is made, the appropriate Authority shall further be obliged to take a decision in furtherance to Section 64 of the Act.
5. With such observations, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE