

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 2176 of 2019

Malaram Son of Bisram Satnami Aged About 45 Years R/o Village Kosamkunda, Tahsil Bilaigarh, District Balodabazar- Bhatapara, Chhattisgarh.

--- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Revenue & Disaster Management Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur District : Raipur, Chhattisgarh
2. The Collector and Land Acquisition Officer District Balodabazar- Bhatapara District : Balodabazar-Bhathapara, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Bilaigarh, District Balodabazar- Bhatapara District : Balodabazar-Bhathapara, Chhattisgarh

--- Respondents

03.07.2019	Mr. Kamlesh Kumar Pandey, counsel for the petitioner. Mr. Sudeep Verma, Dy. G.A., for the State. Learned counsel for the petitioner submits that the land of joint property wherein his share is included was also acquired in the year 2016. Since the land was shown to be joint holding, the petitioner among other family members effected the partition. A representation was made to the Collector by the petitioner that ratable apportionment of compensation may be made in respect of the land which falls to his share as per section 76 of the Land Acquisition Act. This fact is not dispute that the land of the petitioner has been acquired. Section 76 of the Right to Fair Compensation and Transparency in land acquisition, Rehabilitation and Resettlement Act, 2013 purports that when the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, the Collector may refer the dispute to such authority. A perusal of Annexure P-4 would show that the petitioner	

R a o	has already moved an application to the Collector to make apportionment of his right of share of the land acquired. In such background of the case, it is directed that the Collector may refer the claim of petitioner to the respective authorities under Chapter VIII of the Act of 2013 so that the apportionment claim of the petitioner can be ascertained and thereafter the amount to be so apportioned may be disbursed to the petitioner. The aforesaid exercise may be completed within an outer limit of six months from the date of receipt of certified copy of this order. With the above observation/direction, this petition stands finally disposed of. Sd/- (GOUTAM BHADURI) JUDGE	
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