

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2932 of 2019**

Bhagwan Das, S/o Bali Das Panika, Aged About 36 Years, R/o Village- Pali, Post Office Padaniya, Tehsil Katghora, Police Station, District Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Coal, New Delhi
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, Kusmunda Area, District Korba, Chhattisgarh
4. Collector, Korba, District Korba, Chhattisgarh
5. Sub-Divisional Officer (Revenue) Katghora, District Korba, Chhattisgarh

---Respondents

For Petitioner	:	Shri Pawan Kesharwani, Advocate
For Respondent No.1	:	Shri Krishna Gopal Yadav, Advocate on behalf of Shri B. Gopa Kumar Asst. S.G.
For Respondent/ SECL	:	Shri Sudhir Bajpai, Advocate
For Respondent/ State	:	Ms. Astha Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri, Judge

Order On Board

29/08/2019

Heard.

1. Learned counsel for the petitioner submits that similar issue has been dealt by the coordinate Bench of this Court in WPC No. 1850 of 2018. The coordinate Bench on 29.08.2018 has passed the following orders.

"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. The Writ Petition stand disposed of in the above stated terms."

2. It is ordered accordingly. The direction as has been reproduced which is in WPC No. 1850 of 2018 shall be applicable to this case too.
3. Accordingly, the writ petition stands disposed of.

Jyoti

Sd/-
(Goutam Bhaduri)
Judge