

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 3286 OF 2019**

- Shri Anil Kumar Singh, S/o Late Kuber Singh, aged about 53 years, R/o 27/125, New Shanti Nagar, near Temple of Lord Hanuman, Shankarnagar, Police Station- Civil Lines, District- Raipur (CG), currently residing at Gudhiyari, Raipur.

... Petitioner**versus**

1. Project Director of N.H. Department (National Highway Authority of India), Project Karyanvayan Ekaei, VIP Estate A-7, Mahanadi Bhawan, Shankarnagar, District Raipur (CG)
2. Sachham Pradhikari (Competent Officer) & The Sub Divisional Officer (Revenue), District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Himanshu Sharma, Advocate.
For Respondent No.2	:	Mr. Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/12/2019**

1. The present writ petition has been filed by the petitioner seeking for an appropriate direction to the respondents for grant of compensation to the petitioner in respect of his land which has been acquired by the respondents, bearing Khasra No.1378/5, area measuring 1010 Sq. Mtr., situated at Village Kurra, Revenue Circle Board- Dharsiva, Tahsil and District Raipur.
2. According to the petitioner, the respondent no.2, i.e., Competent Officer/Sub Divisional Officer (Revenue), had initially quantified the compensation under Section 3(g) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 considering the land belonging to the petitioner as an agriculture land. This order of the respondent no.2 was subjected to challenge before the Arbitrator and the Arbitrator vide his order dated 23.6.2016 passed an award in favour of the petitioner holding the land belonging to the petitioner, i.e., Khasra No. 1378/5 measuring 1010 Sq. Mtr., being a diverted land. The Arbitrator further directed the respondent no.2 to recalculate the compensation payable to the petitioner treating the land of the petitioner as a diverted land and to take appropriate steps for release of the payment. Subsequently, the respondent no.2 vide his order dated 29.8.2016 has recalculated the compensation payable to the petitioner. Though the respondent

no.2 has quantified the compensation in terms of the award passed by the Arbitrator, till date the compensation has not been paid to the petitioner.

3. The petitioner's land was acquired in the year 2012 and the compensation also has been quantified, but the petitioner till date has not received any compensation for the reasons best known to the authorities. The matter went in arbitration. The Arbitrator earlier has decided the matter in June, 2016. Thereafter, the respondent no.2 has further quantified the compensation in terms of the award of the Arbitrator. According to the petitioner, till date the award of the Arbitrator has not been questioned before any Court of law and the same has by efflux of time attained finality.

4. Given the said submission put forth by the petitioner, this Court is of the opinion that no fruitful purpose would be served in keeping the present writ petition pending any further, rather, ends of justice would meet if the respondent no.2 is directed to ensure that the entire compensation as quantified by the respondent no.2 vide his order dated 29.8.2016 is released to the petitioner within a period of 60 days from the date of receipt of copy of this order, failing which, the entire compensation shall carry interest at the rate of 10% per annum from the date the land has been acquired till the actual payment is made.

5. The writ petition is allowed and disposed of accordingly.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE