

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3446 of 2019**

- Ramsajeevan S/o Purshottam Aged About 50 Years R/o Purani Basti, Dewangan Mohalla, Police Station And District Korba, Chhattisgarh. (Wrongly Mentioned As Ramesh Jeevan)

---- 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/UOI	:	Shri R.K. Kesharwani, Advocate
For Respondents No.2 & 3	:	Shri S.K. Bajpai, Advocate
For Respondents No.4 & 5/State	:	Shri Alok Bakshi, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/09/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the similar issue has been decided by the co-ordinate Bench of this Court in WPC No.1850 of 2018 & other connected matters on 29.08.2018, which reads as under:-

“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. All the Writ Petitions stand disposed of in the above stated terms."
3. It is ordered accordingly. The direction as has been quoted above passed in WPC No.1850 of 2018 would also be applicable to the present petition also.
4. Accordingly, the writ petition is disposed of.

Sd/-

Goutam Bhaduri
Judge