

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3870 of 2019

1. Ramlal Chauhan S/o Late Bhuneshwar Chauhan, Aged About 55 Years, R/o Village Kunkuni, Tehsil Karshia, District Raigarh, Chhattisgarh
2. Sukhdev Ramkumari D/o Late Bhuneshwar Chauhan, Aged About 47 Years, R/o Village Kunkuni, Tahsil Karshia, District Raigarh, Chhattisgarh

---- Petitioners

Versus

1. District Industry And Commerce Centre, Tahsil Karshia, District Raigarh, Chhattisgarh
2. SDO(R), Acquisition Officer, Tahsil Karshia, District Raigarh, Chhattisgarh
3. Collector Raigarh, District Raigarh, Chhattisgarh
4. Director, Directorate Of Industries, Udyog Bhavan, Ring Road No.1, Telibandha, Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Surya Kawalkar Dangi, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.10.2019

1. The grievance of the petitioners in the present writ petition is that a large chunk of land belonging to the petitioners has been acquired by the respondents for industrial purposes in village Kunkuni, Tahsil Karshia, district Rajnandgaon vide award dated 14.11.2017 under the provisions of the Land Acquisition Act.

2. The contention of the counsel for the petitioners is that the petitioners have already approached the authority on repeated occasion but till date the compensation amount has not been released to the petitioners.
3. The state counsel, at this juncture, points out that in the award itself there are 3 Khasra numbers mentioned i.e. Khasra Nos. 367, 405 & 407 which according to the state counsel was service land and was given to the persons for use in the capacity of being a Kotwar. Therefore, for acquisition of those lands, compensation would not be paid to the concerned persons and the said persons would be entitled for other benefits under the settlement/rehabilitation package except for the compensation part.
4. At this juncture, counsel for the petitioners submits that apart from the service land, there are other lands also which belong to the petitioners and which have also been acquired for which the petitioners have not been paid any compensation.
5. This being the fact, let the respondent no.2 verify the claim of the petitioners on the basis of the representation that they have made to the respondent no.2. On due verification of fact, in case there is land which is not a service land belonging to the petitioners and which has also been acquired then appropriate compensation for the said land be given to the petitioners.
6. So far as the service land is concerned, if at all if the petitioners are aggrieved of the findings of the award disentitling them the

compensation of the said land, the petitioners are at liberty to challenge the said award to that extent.

7. It is expected that the respondent no.2 shall process the representation of the petitioners and pass an appropriate order at the earliest preferably within a period of 3 months from the date of receipt of copy of this order.
8. With the aforesaid observation, the writ petition stands disposed of.

Sd/--
(P. Sam Koshy)
Judge