

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 540 of 2019**

*{Arising out of order dated 25.09.2019 passed by the learned Single Judge in Writ
Petition (C) No. 3430 of 2019}*

- Khulam Singh Nayak, S/o Guha Ram Nayak, aged about 38 years, R/o Village Katghari, P.S. and Tahsil Akaltara, District Janjgir-Champa (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
2. Collector, Janjgir-Champa (C.G.)
3. Executive Engineer, Hasdeo Nahar Jal Prabandh Sambhag, Janjgir, District Janjgir-Champa (C.G.)
4. Sub Divisional Officer, Water Resources Department, Naryara, District Janjgir-Champa (C.G.)
5. Sub Divisional Officer, Revenue, Janjgir, District Janjgir-Champa (C.G.)

---- Respondents

For Appellant	:	Shri N.K. Chatterjee, Advocate.
For Respondents/State	:	Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****25.11.2019**

1. The appeal is against the judgment dated 25.09.2019 passed by the learned Single Judge, whereby interference was declined with regard to the prayer sought for to grant compensation in respect of the lands acquired from the Petitioner about 'four decades back', contending that no compensation was awarded, despite the acquisition has been finalized.

2. Heard Shri N.K. Chatterjee, the learned counsel for the Appellant as well as Shri Sudeep Agrawal, the learned Deputy Advocate General on behalf of the State.
3. The prayers in the writ petition are in following terms:

“10.1 That, this Hon'ble Court may kindly be pleased to direct the concerned respondent authorities to grant the compensation of the land of petitioner bearing Khasra No. 365/1, 365/2 and 365/3 area 0.81 acres situated at Village Katghari, District Janjgir-Champa (C.G.) on the basis of new act and on the basis of market value of land along with interest.

10.2 Any appropriate writ, direction or order may also kindly be passed in favour of the petitioners, which this Hon'ble Court deems fit in the circumstances of the case.”
4. Going by the pleadings and prayers, it is seen that the land belonging to the writ Petitioner, having an extent of 0.81 acres comprised in Khasra No. 365/1, 365/2 and 365/3 were acquired for a public purpose (construction of a canal) by the Government in the year 1981. It was contented that the compensation was not granted despite the long lapse of time and hence the Petitioner was entitled to the compensation in terms of the new Act i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'Act of 2013') and hence the grievance.
5. When the matter came for consideration before the learned Single Judge, it was noted, on the basis of submission made across the Bar and also on the basis of materials brought on record, that as per Annexure A/6 produced by the Petitioner himself, a communication was issued by the SDO at Janjgir that the land of the Petitioner was acquired in the year 1981 and canal was constructed and Award was passed and the amount of Rs. 2,673/- was deposited in the Land Acquisition Office, Janjgir.
6. It has also been observed that, since the Petitioner had not appeared thereafter, the amount could not be disbursed to him. It was in the said circumstance, that

the writ petition was disposed off with liberty to the Petitioner to collect the said amount as mentioned in paragraph 2, which is to the following effect:

“Document attached alongwith the petition Annexure P-6 would show that communication has been made by the SDO @, Janjgir that the aforesaid land of the petitioner has been acquired in the year 1981 and canal was constructed and award was passed and amount of Rs.2673/- was deposited in the land acquisition office, Janjgir. Since the petitioner has not appeared, therefore same cannot be given to him. Considering the communication Annexure P-6, the petitioner shall be at liberty to appear before the land acquisition officer, Janjgir with a copy of this order and thereafter the land acquisition officer, Janjgir shall make payment of award of Rs.2673/- to the petitioner within a further period of 45 days.”

After considering the nature of grievance projected, we find that absolutely no tenable ground has been made out to grant the compensation in terms of the '2013 Act'.

7. Obviously, the Appellant was not desirous in pursuing the matter after the acquisition in the year 1981. The Appellant woke up from his slumber and has rushed to this Court only in the year 2019 i.e. about 14 years after taking rest on armchair, unmindful of his rights and liberties in connection with the acquisition. In the said circumstance, the lapse and inordinate delay on the part of the Appellant in getting the compensation amount disbursed cannot be shifted to the shoulders of the State/Department. We find no reason to interfere.
8. The appeal fails. It is dismissed accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge