

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4346 OF 2019**

1. Tikaram S/o Manbahal, Aged About 45 Years, R/o Savitri Nagar, Kotra Road, Tehsil and District- Raigarh, Chhattisgarh.
2. Daraprasad S/o Mahanth (wrongly mention in notice as Mahesh), aged about 38 years, R/o Chhatamuda Bypass Road, Tehsil and District- Raigarh (CG)
3. Mahesh Chourasiya S/o Parameshwar Chourasiya, Aged About 51 Years, R/o Chhatamuda Bypass Road, Tehsil and District- Raigarh (CG)
4. Yagyacharan Kaser S/o Puneshwar Kaser (wrongly mention in Notice as Bhuvneshwar), aged about 69 years, Through Shiv Kumar Kaser, S/o Yagyacharan Kaser (General Power of Attorney Holder) R/o Sakti, Tehsil Sakti, District- Janjgir-Champa (CG)

... Petitioners**versus**

1. State of Chhattisgarh, through Secretary, Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur (CG)
2. The Collector, Janjgir, District Janjgir-Champa (CG)
3. The Land Acquisition Officer-cum-Sub Divisional Officer (Revenue), Dabhara, District Janjgir-Champa (CG)

... Respondents

For Petitioners	:	Mr. Kamal Kishore Patel, Advocate.
For Respondents	:	Mr. Somkant Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****29/11/2019**

1. Learned counsel for the petitioners submits that the land of the petitioners were acquired by order dated 22.11.2018, however, the amount of award was not disbursed till date, and therefore, in addition to the amount of award, the petitioners are also entitled interest on the award under section 80 of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereinafter referred to as, "the Act of 2013").

2. Section 80 of the Act of 2013 reads as under:

"80. Payment of interest.– When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent, per annum from the time of so taking possession until it shall have been so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent, per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry."

3. Considering the fact that the petitioners have not been paid the amount of award, the State/respondents are directed to make payment within a further period of 30 days from the date of presentation of a copy of this order.

4. It is further clarified that if the petitioners move an application before respondent no.3 about the entitlement of the interest from the date the possession has been taken till the date of actual payment, the same shall also be decided within a further period of 90 days from the date of representation.

5. With the above direction/observation, this writ petition stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE