

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4410 of 2019**

Kedar S/o Gopal Aged About 58 Years R/o Village Lodhajhar, Tahsil
Kharsiya, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management Ministry Mahanadi Bhawan, Atal Nagar Raipur Chhattisgarh
2. The Collector Raigarh, District Raigarh Chhattisgarh.
3. The Land Acquisition Officer Cum Sub Divisional Officer (Revenue), District : Raigarh, Chhattisgarh
4. National Highway Authority Of India Ltd. Through Project Director, Bilaspur Unit, Abhilasha Parisar, New Bus Stand, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. K.K. Patel, Advocate
For Respondent No.4	:	Mr. Krishna Gopal Yadav on behalf of Shri B. Gopa Kumar, Adv.
For State	:	Ms. Abhyunnati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/12/2019**

1. The limited grievance that the petitioner has in the present writ petition is for direction to the respondents to consider granting of interest on the compensation paid to the petitioner against the land belonging to the petitioner which was acquired by the respondents.
2. According to the petitioner the land belonging to the petitioner was acquired by the respondents on 23.09.2016 and compensation against the said land was paid to the petitioner in the year 2019. However, while granting of compensation the respondents have not granted interest on the said amount which the petitioner otherwise is entitled for under Section 80 of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short "the Act of 2013).

3. For ready reference Section 80 of the Act of 2013 is reproduced hereinunder :-

“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.”

4. Given the aforesaid fact that the petitioner has been paid compensation after a period of more than 3 years from the date of acquisition of the property of the petitioner under Section 80 of the Act of 2013 would be entitled for the interest on the said amount.
5. Given the said facts, respondents are directed to consider and decide the claim of the petitioner for grant of interest in terms of Section 80 of the Act of 2013 within a period of 90 days. The petitioner, if at all, has not made any application for grant of interest is directed to approach the respondent No.3 within a period of 30 days from the date of receipt of copy of this order and respondent shall consider and decide his application within a further period of 90 days from the date of receipt of representation made by the petitioner.
6. With the aforesaid observations, the writ petition therefore stands disposed of.

Sd/-
(P. Sam Koshy)
Judge