

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4435 of 2019

Rijwan Ali S/o Mohammad Bhai, Aged About 59 Years R/o Ahmad Ji Bhai Colony, O C M Chowk, Raipur, District Raipur 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, Raipur District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Chief Executive Officer N R D A, Raipur District Raipur Chhattisgarh

---Respondents

For Petitioner	:	Shri Vimal Ku. Tondey, Adv.
For State	:	Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.12.2019

1. The grievance of the petitioner in the present writ petition is to the extent of non granting interest on the delayed compensation paid by the respondents.
2. According to the Counsel for the petitioner, petitioner is the owner and title holder of land wherein Khasra No. 276, 278 admeasuring area 1.03 and 0.22 hectares situated at village Kayabandha, Tahsil Arang, District Raipur Chhattisgarh.
3. Counsel for the Petitioner submits that respondent No. 1 had acquired the land vide Land Acquisition Proceedings dated 28.08.2015. Though, the award was passed on 28.08.2015, the respondents have paid the compensation to the petitioner after more than 4 years i.e. on 01.10.2019.
4. According to the Counsel for the petitioner, since there was delay for more than 4 years in releasing of compensation, he should have been compensated by way of interest on the said land.
5. Counsel for the petitioner refers to section 80 of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013 (in short "the Act of 2013)
6. 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 percent, 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 percent, 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.”

7. Given the said facts that the Act itself stipulated for granting of interest in the event of compensation not being made within a reasonable period, let petitioner approach the respondent/s by way of a suitable representation to be made within a period of 30 days from today and respondent No. 3 shall decide the representation in accordance with the Act of 2013, subject to verification of the factual matrix of the case, at the earliest preferably within a period of three months from the date the petitioner submits his representation demanding interest on the delayed compensation.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha