

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.3151 of 2007

1. Nokhram (Died) Through Legal Hrs.
 - 1.(A) Smt. Girja Bai W/o Late Nokhram Aged About 60 Years R/o Village Kutighat, Block- Akaltara, District- Janjgir-Champa, Chhattisgarh
 - 1.(B) Ajay Kumar Kashyap S/o Nokharam Aged About 40 Years R/o Village Kutighat, Block- Akaltara, District- Janjgir-Champa, Chhattisgarh
 - 1.(C) Manoj Kumar Kashyap S/o Late Nokhram Aged About 37 Years R/o Village Kutighat, Block- Akaltara, District- Janjgir-Champa, Chhattisgarh
2. Ramayan Sahu, S/o Baijnath Sahu, Aged About 35 Years, R/o Village Aarasmeta, Block- Akaltara, District- Janjgir-Champa, Chhattisgarh
3. Kanhaiya Sahu S/o Ritu Sahu Aged About 69 Years R/o Village Aarasmeta, Block Akaltara, District- Janjgir-Champa, Chhattisgarh
4. Janakram (Died) Through Legal Hrs.
 - 4.1 - (A) Smt. Rupa Bai W/o Late Janakram Aged About 85 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh
 - 4.2 - (B) Sahettar Jaiswal S/o Late Janakram Aged About 64 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh
 - 4.3 - (C) Devkumar Jaiswal S/o Late Janakram Aged About 55 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh
 - 4.4 - (D) Jeera Bai W/o Late Sahasram Aged About 55 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh
 - 4.5 - (E) Dilip Jaiswal S/o Late Sahasram Aged About 32 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh
 - 4.6 - (F) Deepak Jaiswal S/o Late Sahasram Aged About 32 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh

5. Daduram (Died) Through Legal Hrs.
5.1 - (A) Uttara Kumar Jaiswal S/o Late Daduram Aged About 32 Years R/o Village Aarasmeta, Block- Akaltara, District- Janjgir- Champa, Chhattisgarh

(B) Nand Kumar Jaiswal S/o Late Daduram Aged About 28 Years R/o Village Aarasmeta, Block- Akaltara, District- Janjgir-Champa, Chhattisgarh
6. Rajendra Jaiswal S/o Chamru Jaiswal Aged About 34 Years, R/o Village Aarasmeta, Block- Akaltara, District- Janjgir-Champa, Chhattisgarh
7. Leelaram (Died) Through Legal Hrs.
7.1 - (A) Smt. Sukrita Bai W/o Late Leelaram Aged About 54 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh

7.2 - (B) Munni Bai W/o Late Leelaram Aged About 50 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh

7.3 - (C) Suman Kumar Jaiswal S/o Late Leelaram Aged About 19 Years R/o Village Aarasmeta, Block-Akaltara, District- Janjgir-Champa, Chhattisgarh
- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary Revenue Department, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Collector Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh
4. Lafarge India Limited Through Its Managing Director Bhopal Nagar Bilaspur, District- Bilaspur, Chhattisgarh
- Respondents**

For Petitioners	:	Mr. Rakesh Pandey, Advocate
For Respondents	:	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/06/2020

Heard.

1. By this writ petition, under Article 226 of the Constitution of India, the

petitioners have prayed for issuance of appropriate direction for payment of compensation as well as employment in view of grant of mining rights over the land of the petitioners in favour of respondent No.4/Lafarge India Limited.

2. The petitioners are owners of their respective lands. According to the petitioners, in order to provide mining rights to respondent No.4, the competent Revenue Authority passed an order under Section 247(4) of the Chhattisgarh Land Revenue Code on 20.06.2000 in favour of respondent No.4 granting him surface rights over the land of 46 persons including the land of the petitioners also. According to the petitioners, though in tri-partite agreement, in addition to payment of compensation under Section 247 of the Chhattisgarh Land Revenue Code, it was also agreed that the land holders, whose lands are being taken for mining purposes, would also be offered employment because agriculture activity on the land alone was their source of livelihood. What has brought the petition before this Court is the grievance that they have neither been paid the compensation nor have been offered employment.

3. The stand initially taken by respondent No.4 was that the compensation amount has been determined by the competent authority under Section 247 of the C.G. Land Revenue Code and was offered to the oustees and many of them received the amount of compensation. Those oustees who did not accept the amount of compensation, their compensation was deposited with the competent Revenue Authority.

4. As far as claim of grant of employment is concerned, respondent No.4 came out with the stand that respondent No.4 is not liable to provide any employment and the order, if any passed, by the Collector, is without jurisdiction and respondent no.4 cannot be compelled to provide employment and its statutory liability enforceable under the law is confined only to the extent of payment of statutory compensation payable under Section 247 of the Chhattisgarh Land Revenue Code.

5. In compliance of direction issued by this Court, the respondent/State filed a detailed affidavit on 07.08.2013, wherein, it has been elaborated and specifically stated that the land of about 46 persons was involved in proceeding under Section 247 of the C.G. Land Revenue Code, including that of the petitioners also. It has further been stated that the order was

passed on 20.06.2000 (Annexure A/2) in respect of the land of 46 persons. Further submission is that out of these affected persons, one of them Shri Ghurvind Das was found to be not entitled to any compensation as he was holding a service land. It has also been stated that 18 lands owners accepted compensation as per list Annexure A/4 but remaining 21 persons as shown in the list Annexure A/5 did not accept compensation, therefore, their compensation has been kept in deposit with Tahsildar Akaltara, District Janjgir Champa.

6. As far as claim of employment is concerned, in the same affidavit, it has been clearly stated in paragraph 7 thereof that out of 7 petitioners except petitioner No.1 & 6 namely: Nokhram and Rajendra Jaiswal, others have already been granted employment. As far as petitioner No.1/Nokhram is concerned, it has been specifically stated that his Son Manoj Kumar was offered employment vide appointment letter dated 22.03.2004 but despite that he did not join the duties. In so far as claim of petitioner No.6 is concerned, it has been stated that his brother Pusauram was offered employment but appointment letter could not be served as he was out of station at the relevant point of time. A copy of letter of appointment dated 22.03.2004 in respect of Manoj Kumar along with acknowledgement have also been filed as Annexure A/7.

7. The aforesaid affidavit filed by the State has not been disputed by the petitioners for long period of 7 years till date though the petitioners chose to move application seeking substitution of legal representatives of some of the petitioners, who died during the pendency of the writ petition. Therefore, the factual position as stated in the affidavit of the State has to be accepted.

8. That would mean that as far as petitioners except petitioners No.1 & 6 are concerned, their grievance with regard to employment has already been redressed.

9. Specific averments that though appointment letter was issued in favour of Manoj Kumar, S/o Nokhram/Petitioner No.1, he did not join, has not been disputed before this Court. Appointment letter (Annexure A/7) bears acknowledgement. All these facts have not been disputed by filing any reply or affidavit by the petitioners, particularly, legal representative of petitioner No.1/ Nokhram not even Manoj Kumar. Therefore, this factual dispute cannot be further gone into writ petition. It will be open for Manoj Kumar to take

separate remedy if he has a case based on any enable claim.

10. As far as offer of employment to brother of petitioner No.6 is concerned, even according to the respondent, appointment letter could not be served because he was out of station. The legal representative of petitioner No.6 would be at liberty to approach the competent authority raising claim of appointment and in that event, the competent authority i.e. Collector of the Jurisdiction of the District shall cause an enquiry to be made in this regard and if it is found that appointment letter was not served on Pusauram, brother of petitioner No.6, necessary steps towards offer of employment to the person nominated by respondent No.4 shall be taken.

11. As far as claim of compensation is concerned, averments made in paragraph 5, particularly with reference to list Annexure A/5, it is clearly revealed that none of the petitioners accepted the compensation and their compensation was thereafter deposited with Tahsildar, Akaltara, District Janjgir-Champa. If the compensation so far has not been lifted by all other petitioners or legal representative of deceased petitioners, it will be open for them to approach the Sub-Divisional Officer, Janjgir-Champa and Tahsildar Akaltara, District Janjgir-Champa for release of compensation amount lying in their account forthwith.

12. The petition is accordingly partly allowed in the manner and to the extent as indicated above.

Sd/-

(Manindra Mohan Shrivastava)

Judge