

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 523 OF 2020**

Khirod Kumar, S/o Kunjbihari, aged about 38 years, R/o Village Chandrapur, Tahsil Dabhra, District Janjgir-Champa (CG)

... Petitioner

versus

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

... Respondents

For Petitioner	:	Mr. Vimal Kumar Tondey, Advocate.
For Respondents	:	Ms. Abhyunnati Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/02/2020

1. The limited grievance that the petitioner has raised in the present writ petition is for grant of interest on the delayed payment of compensation paid to the petitioner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as, "the Act of 2013")
2. According to the learned counsel for the petitioner, the land belonging to the petitioner was acquired on 22.11.2018 and the compensation amount for the said land was paid only on 17.12.2019, that is after a period of more than one year. Accordingly, the petitioner is entitled for the interest on the delayed payment of compensation, as is envisaged under Section 80 of the Act of 2013.
3. 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."

4. Considering the aforesaid statutory provisions, let the petitioner approach the respondents No. 2 and 3 so far as his claim for interest is concerned, and the respondents No. 2 and 3 in turn shall consider and decide the claim of the petitioner in accordance with law under which the acquisition proceedings were drawn, at the earliest, preferably within a period of four months from the date of presentation of certified copy of this order by the petitioner.

5. It is made clear that the directions given by this Court would be subject to the verification of facts by the authorities concerned so far as the entitlement of compensation and interest to the petitioner is concerned.

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

Sd/-
(P. Sam Koshy)
Judge

/Sharad/