

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 242 of 2011**

Bijayshri Gabel D/o Late Kapildev Gabel,, Occupation Unemployd, R/o
Village Domnara, P.O.- Chandrashekharapur (Adu), Tah.- Kharsia Distt.
Raigarh (C.G.)

---- Petitioner**Versus**

1. South Eastern Coal Filed Limited, Through: Managing Director, Seepat Road, Bilaspur, (C.G.)
2. Chief General Manager, South Eastern Coalfield Ltd, Bilaspur
3. General Manager, South Eastern Coalfield Ltd. Raigarh Area. Area Office, Raigarh (C.G.)
4. Sub Area Manager, South Eastern Coalfield Ltd, Chhal Area, Area Office, Raigarh, (C.G.)

---- Respondents

For Petitioner	:	Mr. Krishna Tandon, on behalf of Mr. Amit Sharma, Advocate
For Respondent	:	Mr. Shailendra Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

29/06/2020

1. The relief sought for by the petitioner in the present writ petition is for appropriate direction to the respondents for firstly grant of compensation for the land of the petitioner acquired by the respondents and also for grant of employment in lieu of land acquired.
2. Contention of the learned counsel for the petitioner is that the respondent had acquired the property belonging to the petitioner way back in the year 2000. However, the petitioner has neither been provided with any compensation nor has he been provided with

employment in lieu of land acquired which has compelled him to file the writ petition for appropriate directions.

3. Mr. Shailendra Shukla, counsel appearing for respondents submits that land which the petitioner is claiming is not one which was acquired neither under the provisions of the Land Acquisition Act nor was it acquired under the Coal Bearing Act but the land was directly purchased by the registered owner in the revenue records for a clear sale consideration with no conditions or encumbrances whatsoever. Counsel for the respondent further submits that he has the registered sale deed in his possession which he has produced in the course of the argument and submits that sale deed was registered as early as on 02.08.2000. It was further contention that sale deed was executed by one Taradevi and her son Meghsingh who were the wife and son of the Kapil Dev, the original owner of that property.
4. This Fact could not be disputed by the learned counsel for the petitioner neither has there any other cogent material available with the petitioner with which he could put forth his claim for compensation or for seeking employment in lieu of land acquired.
5. In view of the same, this Court is of the opinion that no strong case has been made out by the petitioner either for compensation or for employment. At the same time, it is also necessary to mention that since the land has been out rightly purchased by the respondents by a registered sale deed with sale consideration for an amount of 70,849/- rupees, the benefits under the Land Acquisition Act or under Coal Bearing Act would not be applicable in the instant case. Similarly, since it was the land taken over by way of registered sale deed directly executed from the registered owner, the question of applicability of Rehabilitation Policy of the State in the given factual matrix also does not apply.

6. The writ petition being devoid of merits deserves to be and stands accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit