

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1550 of 2020**

Nagar Panchayat Kirodimal Nagar District Raigarh Chhattisgarh Through
Its Chief Municipal Officer, Ramayan Prasad Pandey, S/o. Late Shri
Ganesh Prasad Pandey, Aged About 52 Years, R/o. Ward No. 12, Kirodimal
Nagar, P.S. Kotra Road, Tehsil And District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban
Administration And Development, Mantralaya, Naya Raipur, District Raipur
Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Department Of Revenue And
Disaster Management, Mantralaya, Naya Raipur, District Raipur
Chhattisgarh
3. Collector, Raigarh, District Raigarh Chhattisgarh
4. Land Acquisition Office/ Sub Divisional Officer (Revenue) Raigarh, District
Raigarh Chhattisgarh
5. Tehsildar Raigarh, District Raigarh Chhattisgarh
6. Fagulal Yadav, S/o. Late Shri Nannhu Ram Yadav, Aged About 60 Years
R/o. Village Kokaditarai, Tehsil And District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Sudeep Verma, Dy. GA

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

17/08/2020

1. The present writ petition has been filed by the petitioner aggrieved of
the notice issued by the respondent No.4 (Annexure P-1) dated
08.06.2020 asking the petitioners to comply with the award dated

20.08.2019 whereby compensation for the land acquired by the respondent No.6 has been enhanced from 7,93,284 to 55,82,929 Rs.

2. Counsel for the petitioner submits that this enhancement awarded was intimated to the petitioner in the month of August, 2019. Immediately, thereafter the petitioner approached the District Collector against the enhanced amount under Section 64 of the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013'. Subsequently, the District Collector did not take any action on the application under Section 64. The petitioner immediately approached authorities established under Section 64 at the State level who is known as Land Acquisition and Rehabilitation and Resettlement Authority on 18.11.2019. However, office of the said authority is lying vacant even from the period before petitioner moved an application under Section 64 and till date it is lying vacant i.e. almost about an year now.
3. On the contrary, the respondent No.4 is putting pressure upon the petitioner for honouring the award dated 20.08.2019. According to the counsel for the petitioner, the petitioner is a local body and deals with the public money and according to the petitioner the amount of compensation is highly exorbitant taking into consideration the land being remote village area much beyond the Municipal Corporation limits of District Raigarh and therefore they did want to ensure that the public money is not misused. They had exercised the statutory right available to them under Section 64. However, on account of sheer inaction on the part of the State Government in not filling up the post of Land Acquisition, Rehabilitation and Resettlement

Authority and which is lying vacant for almost an year, being respondent No.4 taking the advantage and putting pressure on the petitioner for releasing of the enhanced amount of compensation. This Court in the recent past have taken note of the fact that a large number of such statutory posts which have been conferred with the powers under different statutes framed by the State Government are lying vacant for years together in spite of State Government being fully aware of the posts lying vacant and amount of inconvenience which is caused to the persons who are entitled to approach these authorities and Tribunals, yet for some reason or for the other the State Government has left these posts vacant.

4. Given the aforesaid factual situation, this Court is of the opinion that since petitioners have availed their statutory right under Section 64 the present writ petition in the opinion of this Court can be disposed of directing the respondent No.4 not to take any coercive steps against the petitioner for execution of the award dated 20.08.2019 as long as the application under Section 64 of the petitioner is pending consideration.
5. With the aforesaid directions, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge