

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1956 of 2020**

1. Shamsheer Singh S/o Bodhan Singh, Aged About 56 Years, Caste Gond, Residence Of Village Danout, Tahsil Raigarh, District Raigarh, Chhattisgarh
2. Hemprasad S/o Bodhan Singh, Aged About 54 Years, Caste Gond, Residence Of Village Danout, Tahsil Raigarh, District Raigarh, Chhattisgarh
3. Shital Kuwanr S/o Bodhan Singh, Aged About 50 Years, Caste Gond, Residence Of Village Danout, Tahsil Raigarh, District Raigarh, Chhattisgarh
4. Rukha S/o Bodhan Singh, Aged About 48 Years, Caste Gond, Residence Of Village Danout, Tahsil Raigarh, District Raigarh, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Kelo Project Survey Department, Raigarh District Bilaspur, Chhattisgarh
3. Sub Divisional Officer (Revenue) / Land Acquisition Officer Raigarh-Cum-Competent Authority Kelo Project Survey Department, Raigarh, District Raigarh, Chhattisgarh
4. Collector, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Tarun Dansena, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/09/2020**

1. Heard.

2. Learned counsel for the petitioners submits that the land of the petitioners were acquired by order dated 09.05.2013, however, the amount of award was not disbursed till date, therefore, in addition to the amount of award, the petitioners are also entitled interest on the award under section 80 of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short "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 fact that the petitioners have not been paid the amount of award, the State/respondents are directed to make payment within a further period of 60 days from the date of presentation of a copy of this order.

5. It is further clarified that if the petitioners move an application before respondent No.3, about the entitlement of the interest from the date the possession has been taken till the date of actual payment, the same shall also be decided within a further period of 90 days from the date of representation.

6. Directions given by this Court would be subject to the verification of the fact by the authorities concerned so far as the entitlement of the compensation to the petitioners is concerned.
7. With the above direction/observation, this writ petition stands disposed of

Sd/-
(P. Sam Koshy)
Judge

Khatai