

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2105 of 2020

1. Nirmala Bai, W/o Late Shri Yashwant Chandrakar, Aged About 60 Years, R/o Village Bhathagaon, Tahsil Kurud, District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Public Works Department, Mantralaya, Mahanadi Bhavan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
2. The Secretary, Department Of Revenue And Calamity Management, Mantralaya, Mahanadi Bhavan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
3. Chief Engineer, Public Works Department, National Highway Division, Raipur, District : Raipur, Chhattisgarh
4. The Collector, District : Dhamtari, Chhattisgarh
5. The Sub Divisional Officer (Revenue) / Competent Authority (Land Acquisition) Kurud, District : Dhamtari, Chhattisgarh
6. Union Of India, Through - The Secretary, Ministry Of Road, Transport And Highways New Delhi
7. National Highway Authority Through - Project Director, Project Implementation Unit, Raipur, District : Raipur, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. Mayank Chandrakar, Advocate
For State	:	Mr. Sudeep Verma, Dy. G. Advocate

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

30.09.2020

1. The limited grievance of the petitioner in the present writ petition is the inaction the part of the respondents in not paying the

compensation against the land belonging to the petitioner which has been acquired.

2. According to the counsel for the petitioner, the land was acquired by an award dated 12.07.2016 but till date the petitioner was not given compensation for which the petitioner has filed the present writ petition seeking compensation in respect of Khasra No. 1099, 1102 and 1109 measuring 0.2300 hectare, 0.5700 hectare and 4.0000 hectare respectively. According to the counsel for the petitioner, there is absolutely no dispute; so far as the acquisition of the said property is concerned and the authorities were duty bound to release the compensation but till date, the same has not been paid and the petitioner has also substantially not been able to reap the benefit of the compensation for all these four years and, therefore, he should also be paid interest for the same.
3. As regards, the non-releasing of compensation is concerned, since there is also an award dated 12.07.2016 in-respect- of three Khasra Nos. mentioned, this Court does not find any good reason why the petitioner should not be provided with compensation at the earliest. As regards, the claim of interest is concerned, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for claiming interest by the person whose property has been acquired and where the payment has been delayed. Section 80 of the said Act provides for the same for the purpose of claiming interest, the petitioner has the liberty to approach the concerned authorities claiming for the same by way of an application and the authorities shall consider and decide the

application for grant of interest also.

4. However, as regards, undisputed claim for compensation is concerned, the respondents are directed to ensure that the compensation is paid to the petitioner at the earliest, preferably within a period of sixty days from the date of receipt of copy of this Order. It shall be the responsibility of the petitioner to apprise the concerned authorities; so far as the Order passed by this Court is concerned.
5. Accordingly, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rahul