

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2278 of 2020

Chhatarpal S/o Nanki Singh Aged About 65 Years R/o House No.- 111,
Kanjipani(Ghatpar), P.S.- Pali, Tahsil- Pali, Dist.- Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary Department Of Revenue,
Mantralaya, Mahanadi Bhawan, Nawa Raipur, Chhattisgarh
2. Collector, Dist.- Korba, Chhattisgarh
3. Sub- Divisional Officer (Revenue)-Cum-Administrator For Rehabilitation And
Resettlement, Katghora, Dist.- Korea, Chhattisgarh

---Respondents

For Petitioner	:	Shri N. Naha Roy, Advocate.
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For Respondent/State	:	Shri Gagan Tiwari, G.A.
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Hon'ble Shri Justice Goutam Bhaduri

Order

24/11/2020

1. Default pointed out by the Registry is ignored and the case is heard.
2. The limited grievance of the petitioner in the present writ petition is that the petitioner is a resident of Village:Kanjipani, P. H. No. 23, Chaitma, Tahsil and Police Station: Pali, District: Korba, (C.G.). The land which is now under acquisition for the purpose of widening and construction of the Bilaspur-Katghora N.H. No. 130 belonging to the petitioner.
3. The contention of the counsel for the petitioner is that the petitioner has been

residing in the said village for a period of more than 48 years, he has been living with the little agricultural work over the said land. According to the counsel for the petitioner, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as “the Act, 2013”), the petitioner falls within the category of an “affected family”. He is therefore entitled for compensation as also for appropriate rehabilitation and resettlement. It is also the contention of the counsel for the petitioner that they have already moved before the concerned Sub-Divisional Officer for suitable compensation and rehabilitation benefits under the said Act of 2013, which the authorities may consider in accordance with law at the earliest.

4. Learned State counsel objects the argument of the petitioner.

5. Be that as it may, since the petitioner has already approached the Sub-Divisional Officer for an appropriate decision on the application for grant of compensation and other benefits under the Act of 2013, the writ petition at this juncture stands disposed off, directing the Respondent No. 2 and 3 to take an appropriate decision in accordance with law within a period of ninety days from the date of receipt of copy of this Order.

6. It is made clear that this Court has not expressed any opinion on the merits of the case, the respondent-authorities are expected to take a decision purely in accordance with law governing the field.

7. With the aforesaid direction, the present writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge