

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2281 of 2020**

Kanhaiyalal S/o. Prem Singh Aged About 55 Years R/o. Village Kanjipani (Ghatpar), P.S. Pali, Tahsil- Pali, District Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Revenue, Mantralaya, Mahanadi Bhawan, Nawa Raipur (Chhattisgarh)
2. Collector, District Korba (Chhattisgarh)
3. Sub-Divisional Officer (Revenue)-Cum-Administrator For Rehabilitation And Resettlement, Katghora, District Korea (Chhattisgarh)
4. Jairam S/o Kansram Patel R/o. Village Chaitma, Tahsil Pali, District Korba (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. N. Naha Roy, Advocate
For State	:	Mr. Anand Verma, Deputy G.A.

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

07/10/2020

1. 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.
2. 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 150 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.

3. Learned Deputy Advocate General on the other hand opposing the petition submits that except for the contention of the counsel for the petitioner, they are in occupation of the land for a period of more than 150 years, there is no document or any proof to establish their right over the said piece of land. According to the petitioner, the land from the pleadings reflect to be owned by the Respondent No. 4 and the Respondent No. 4 is the person who has been notified in the award for receiving the compensation, therefore, the petitioner as such does not have any right whatsoever for claiming any compensation or any benefits under the Act, 2013.
4. 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.

5. 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. The petitioner would also be at liberty to approach the Respondent No. 2 and 3 for deferring of the releasing of compensation to the Respondent No. 4 pending his application before the authorities.
6. With the aforesaid direction, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved