

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2641 of 2020

Ratan Yadav, S/o. Ghasiram, Aged About 58 Years, R/o. House No. 15, Ward No. 2, Pondi Uprora, Manjhar Para, Podi Uprora, District Korba Chhattisgarh

---- Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Coal, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi, India.
2. Coal India Limited Through Its Chairman, 10 Netanji Subhash Road, Kolkata, West Bengal.
3. South Eastern Coalfields Limited, A Miniratna Company Subsidiary Of Coal India Limited, Through Its Chairman-Cum-Managing Director, SECL Bhawan, Seepat Road, Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.
4. Collector, Korba, District Korba Chhattisgarh
5. Superintendent Of Police, Korba, District Korba Chhattisgarh.
6. Station House Officer, Police Station Hardi Bazar, Tahsil Hardi Bazar, District Korba (Chhattisgarh)
7. Gajendra Singh Thakur, The Then Sub- Divisional Officer (R), Khatghora, District Korba (Chhattisgarh) Presently Posted As Chief Executive Officer, Zila Panchayat, Bilaspur Chhattisgarh
8. A.K. Marble, The Then Tahsildar, Khatghora, District Korba Chhattisgarh. Presently Posted As Sub- Divisional Officer (R), Ghargoda, District Korba (Chhattisgarh).
9. Fagulal Yadav, R/o. Village Vijay Nagar, Police Station Dipaka, Tahsil Khatghora, District Korba Chhattisgarh.
10. Makhanlal Yadav, S/o. Fagulal Yadav, R/o Village Podi, Tahsil Bhilai Bazar, District Korba Chhattisgarh
11. Sanjay Kumar, S/o. Chain Singh, R/o. Village Pakhrapara, Tahsil Hardi Bazar, District Korba Chhattisgarh
12. Kapil Das, S/o. Late Samar Das, R/o. Village Podi, Tahsil Hardi Bazar, District Korba Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Malay Shrivastava, Advocate.
For Respondent No.1	:	Mr. Amit Banerjee, Advocate on behalf of A.S.G.
For Respondent No.2&3	:	Ms. Astha Shukla, Advocate on behalf of Mr. Vaibhav Shukla, Advocate
For State/Respondents No.4 to 6	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.11.2020

1. Learned counsel for the petitioner would submit that the petitioner is a land oustee and his land was acquired by the SECL and instead of payment of compensation to the petitioner, the compensation has been paid to the respondent No.9 in connivance with the other respondents for which the petitioner has made several complaints to the SECL as also the Collector. Therefore, the respondent authorities may be directed to take action.
2. The documents attached with this petition would show that complaint has already been lodged at Hardi Bazar Police Station. Primarily, it appears that the petitioner complained that fraud has been made in payment of compensation. Therefore, in order to decide the issue, the disputed facts would be involved and since the complaint has already been lodged, it is for the petitioner to pursue his complaint before the competent forum. This Court in exercise of power under Article 226 of the Constitution can not start roving enquiry and collect the evidence to decide the disputed question of fact. The petitioner therefore may avail the alternative remedy available to him under the law. The petition is accordingly dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Aks