

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (C) NO. 2595 OF 2020

- Ramlakhan Thakur S/o Late Govind Ram Thakur Aged About 65 Years Caste Nai, R/o Mendrakala, Police Staion And Tahsil Ambikapur, District Surguja, Chhattisgarh.

... Petitioner

Versus

1. Union Of India Through The Secretary, Road Transport And National Highway, Mantralaya, New Delhi.
2. The State Of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. The Chief Engineer Public Works Department, National Highway, Zone Raipur, District Raipur, Chhattisgarh.
4. The Collector Surguja, Ambikapur, District Surguja, Chhattisgarh.
5. The Sub-Divisional Officer (Revenue) And Competent Authority Land Acquisition Ambikapur, District Surguja, Chhattisgarh.
6. Pawan Kumar S/o Dhansi Ram Agrawal Aged About 42 Years Caste Agrawal, R/o Jaistambh Chowk, Police Staion And Tahsil Ambikapur, District Surguja, Chhattisgarh.
7. Ravi Kumar S/o Shri Sures Kumar Aged About 31 Years Caste Sindhi, R/o Purana Bus Stand, Police Station And Tahsil Ambikapur, District Surguja, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. V.K. Pandey, Advocate.
For Respondents 1 & 3	:	Mr. Ramakant Mishra, A.S.G.
For Respondents 2, 4 & 5	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/11/2020

1. Grievance of the petitioner seems to be the compensation being paid to wrong persons instead of the land belonging to the petitioner which has been acquired or taken over by the respondent State for construction/widening of the road.
2. The dispute revolves around the land which situates at Khasra No. 823 & 824 situated at Village Mendrakala, Tahsil Ambikapur, District Surguja.
3. According to the counsel for the petitioner, of the said property only a portion of the land has been sold to respondent no.7 who in turn has further sold the said piece of land to respondent no.6. However, the State Government when they had taken over the said property for widening and construction of road and when the award was passed, the compensation of the land which was in possession of the petitioner has been reflected to be payable to respondents no. 6 and 7.

4. According to the counsel for the petitioner, the petitioner has moved an application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act of 2013") to the District Collector, respondent no.4, but till date no decision has been taken on the said application.

5. Learned Additional Advocate General entering appearance for the State submits that the application under Section 64 of the Act of 2013 would not be tenable in view of Section 105 of the Act of 2013 and that the proper remedy available to the petitioner was that of approaching the competent authority by making an appropriate reference in view of sub-section 3 of Section 3H of the National Highways Act.

6. Be that as it may, since the dispute is in respect of the amount of compensation being reflected to be payable to respondents no. 6 and 7 and the petitioner has already approached the Collector for ventilating his grievances, it is expected that respondent no.4 shall disposed of the said application in accordance with law at the earliest. Let this be done within a period of 60 days from the date of receipt of copy of this order.

7. Meanwhile, however, as has been contended by the learned Additional Advocate General, the right of the petitioner stands reserved for availing appropriate remedies available to him under the provisions of the National Highways Act for redressal of his grievances before the concerned competent authority.

8. Writ Petition accordingly stands disposed of with the aforesaid direction.

Sd/-
(P. Sam Koshy)
JUDGE

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