

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3047 of 2019

1. Vilash Gangadhar Gupte S/o Late Gangadhar Rao Gupte Aged About 71 Years
2. Akash Gupte S/o Late Avinadh Gupte Aged About 31 Years
3. Smt. Anita Gupte S/o Late Avinash Gupte Aged About 65 Years
All R/o Rajendra Nagar, Bilaspur Tahsil And District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. The Collector Bilaspur District Bilaspur Chhattisgarh.
2. The Sub Divisional Officer Cum Land Acquisition Officer Kota District Bilaspur Chhattisgarh.

---Respondents

For Petitioners	:	Shri Vineet Kumar Pandey, Advocate.
For State	:	Shri Vikram Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.06.2020

1. The limited relief sought for by the petitioner in this petition is for an appropriate direction to the respondent No.1 for taking appropriate decision on the application that the petitioners have filed before the respondent No.1 in respect of land belonging to the petitioners which were acquired by the State.
2. The contention of the petitioners is that, when the original award was passed it was reflected that the land was not a irrigated land and the compensation was accordingly quantified whereas, the land infact is an irrigated land. This aspect was already brought to the notice of the land acquisition officer who has taken note of the same and has made an appropriate application for the Collector to make an appropriate reference in this case under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, the Act, 2013).

3. The State counsel submits that once when the matter is already seized by the Collector, there is no reason why the Collector should not take a decision in accordance with law.
4. In view of the submissions made by the counsel for the parties, the writ petition stands disposed of directing the respondent No.1 to take an appropriate decision at the earliest in accordance with the provisions of law.
5. Considering the nature of dispute it is expected that the respondent No.1 shall take a decision at the earliest preferably within a period of 90 days from the date of receipt of certified copy of this order. It shall be the responsibility of the petitioners to apprise the respondent No.1 so far as the order passed by this court is concerned.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder