

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 81 of 2021

Bhupdev, S/o Bhayya Lal Aged About 57 Years R/o Village
Chandrapur, Tehsil Dabhara, District - Janjgir - Champa
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through - The Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur Chhattisgarh.
2. Collector, Janjgir - Champa, District Janjgir - Champa Chhattisgarh.
3. Land Acquisition Officer -Cum- Sub Divisional Officer (Revenue) Dabhra, District Janjgir - Champa Chhattisgarh.

---- Respondents

For petitioner – Shri Tapan Kumar Chandra, Advocate.
For State- Shri Avinash Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/01/2021

Heard.

1. Learned counsel for the petitioner submits that the land of the petitioner was acquired by order dated 22.11.2018, however, the amount of award was not disbursed till date, therefore, in addition to the amount of award, the petitioner is also entitled interest on the award under section 80 of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short "the Act of 2013).

2. Section 80 of the Act of 2013 reads as under :-

"80. Payment of interest.- When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent per annum from the time of so taking

possession until it shall have been so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent, per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.”

3. Considering the fact that the petitioner has not been paid the amount of award, the State/respondents are directed to make payment within a further period of 30 days from the date of presentation of a copy of this order.

4. It is further clarified that if the petitioner moves an application before respondent No.3, about the entitlement of the interest from the date the possession has been taken till the date of actual payment, the same shall also be decided within a further period of 90 days from the date of representation.

5. Directions given by this Court would be subject to the verification of the fact by the authorities concerned so far as the entitlement of the compensation to the petitioner is concerned.

6. With the above direction/observation, this writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE