

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 285 of 2021

Gaucharan S/o Mohit, Aged About 68 Years R/o Village Chandrapur
Tahsil Dabhara District - Janjgir - Champa Chhattisgarh.

---- Petitioner

Versus

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

---Respondents

For petitioner – Shri Kamal Kishor Patel, Advocate.

For State – Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/01/2021

Heard.

1. Learned counsel for the petitioner would submit that while acquiring the petitioner's land for the purpose of construction of Naya Raipur, land acquisition award was passed on 22/11/2018. However, the award amount was disbursed to the petitioner only in February, 2019, therefore, the petitioner is entitled to interest on the award amount under Section 34 of the Land Acquisition Act, 1894.

2. Learned counsel would draw attention of the Court to the law laid down by the Supreme Court in the matter of **Union of India and another vs Pushpavathi and others**, reported in **(2018) 3 SCC 28**, to highlight that the writ petition is maintainable to claim interest under Section 34 of the Act, 1894.

3. Considering the entire facts situation of the case and the judgment

rendered by the Hon'ble Supreme Court, the writ petition is disposed of with direction that in the event the petitioner moves a representation before the respondent Nos.2 & 3 claiming the interest for the period of passing of the award and its disbursal, within a period of 4 weeks from today, the said respondents shall consider and decide the representation at the earliest, preferably within a period of 4 months thereafter.

Sd/-

(Goutam Bhaduri)

JUDGE