

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 865 of 2021

Mahesh Chourasiya S/o Shri Parmeshwar Chourasiya Aged About 52 Years
R/o Chatamuda Bypass Road Raigarh Tahsil And District Raigarh
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management Mahanadi Bhawan New Raipur, District- Raipur (Chhattisgarh)
2. Collector Janjgir District- Janjgir-Champa (Chhattisgarh)
3. Sub-Divisional Officer (Revenue) Dabhara, District- Janjgir-Champa (Chhattisgarh)

---- Respondents

For Petitioner : Shri Surfaraj Khan, Advocate.

For Respondents/State : Shri Siddharth Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/08/2021

1. Heard.
2. Learned counsel for the petitioner submits that the land of the petitioner was acquired for construction of Kalma Bairaj by award dated 22/11/2018 in Land Acquisition Case No.15/A-82/2016-17, Village Chandrapur, Tahsil Dabhra, District Janjgir-Champa. However, the petitioner has not been provided rehabilitation benefit despite the fact that he has lost his livelihood and he was depending on the lands which were acquired. He would submit that Section 38 of ***The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*** (for short "***the Act, 2013***") mandates that such benefits which are prescribed in

Schedule II are required to be paid within a specified time. He would submit that this Court by order dated 23.09.2015 passed in WPC No. 1717/2015 (*Babulal Sahdev Versus State*) has fixed a time-frame to decide and implement the benefits of rehabilitation scheme as per the Act, therefore, the petitioner has made certain application by Annexure P-1 and the said application may be directed to be decided within stipulated period so that the rehabilitation benefits will be granted. Learned counsel further prays that as directed in case of *Babulal Sahdev Vs. State (supra)* the Government may be directed to take action against the erring officials responsible for delay in implementing the rehabilitation scheme/proceeding for providing necessary benefits.

3. Considering the fact that the award after acquisition was passed on 22/11/2018 and since the rehabilitation benefits were not granted as per Schedule-II of the Act, 2013, the petitioner has made a representation to the Collector, Janjgir, District Janjgir-Champa by Annexure P-1, it is directed that the Collector and Land Acquisition Officers shall decide the representation of the petitioner within a period of 4 months from the date of receipt of this order according to the Scheme of the Act of 2013 and the law laid down by this Court in *Babulal Sahdev (supra)*. The petitioner shall be at liberty to file a copy of the order passed in WPC No. 1717/2015 before the concerned Officer.
4. With the above observations/direction, this writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge