

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 996 of 2021

L. Keshari Pradhan, S/o. Sudhansu Sekhar, Aged About 40 Years, R/o. House No. F-8, Sec. 2, Avanti Vihar, Near ABS Health Club Raipur, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh.
2. Collector, District- Dhamtari, Chhattisgarh.
3. Sub Divisional Officer (Revenue)-Cum-Competent Authority National Highway No. 30, (Old No. 43) Kurud, District- Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Govind Dewangan, Advocate
For State/Respondents	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.02.2021

Heard

1. Learned counsel for the petitioner submits that the part of the land of the petitioner bearing Khasra No.229/1, 238 & 235 were acquired which is situated at village Birejhar, Tahsil Kurud, District Dhamtari for construction of National Highway No.30. The award was passed on 12.07.2016 by the Sub Divisional Officer (Revenue) -Cum- Competent Authority National Highway. However, the amount of compensation though 50% has been released but 50% amount of compensation is still remains to be paid. Counsel for the petitioner submits that the petitioner though requested for release of the amount but for some reason or other, the remaining amount has not been released. He would submit that on some false pretext, the amount which is due to be received to the petitioner has not been paid though the possession was taken over long back. Therefore, the respondent authorities may be directed to release the remaining compensation amount.

2. Learned State counsel submits that after verification of the fact, the remaining amount if is covered under the award would be released as the parties are bound by the award.
3. If it is the case of the petitioner that 50% amount has already been paid and 50% remains to be paid, the respondent No.2 & 3 shall be obliged to release the remaining amount of the petitioner forthwith after verification of the facts and the balance payment within a period of 90 days from today. Further, if it is found that for no fault of the petitioner, the amount was withheld, the petitioner shall be at liberty to claim interest apart from invoking the provisions of Section 84 of the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act of 2013".
4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks