

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1496 of 2021

1. Sambhu Lal Patel S/o Man Mohan Aged About 46 Years (In The Compensation Chart Petitioners Father Name Is Mentioned His Is Dead After His Death The Petitioner Is The Legal Successor) , Resident Of Village Parsada, Tehsil Jaijaipur , District Janjgir Champa , Chhattisgarh.
2. Lokhnath Sahu S/o Balakram Sahu Aged About 53 Years Resident Of Village Parsada, Tehsil Jaijaipur , District Janjgir Champa , Chhattisgarh.
3. Bala Ram S/o Chain Aged About 70 Years Resident Of Village Parsada, Tehsil Jaijaipur , District Janjgir Champa , Chhattisgarh.
4. Chhedu Das S/o Rameshwar Vaishnav Aged About 67 Years Resident Of Village Parsada, Tehsil Jaijaipur , District Janjgir Champa , Chhattisgarh.
5. Tibhura Aditya S/o Late Kulan Aditya Aged About 65 Years (In The Compensation Chart The Name Of Petitioners Mother Is Mentioned She Is Dead After Her Death Petitioner Is The Legal Successor), Resident Of Village Parsada, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh.
6. Khikram Patel S/o Harikrishno (wrongly mentioned as Muritram in representation) Aged About 62 Years Resident Of Village Parsada, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh.
7. Firat Ram S/o Dhansay Aged About 56 Years Resident Of Village Parsada, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh.
8. Chedu Lal S/o Purnima Aged About 61 Years (In The Compensation Chart Petitioners Name Is Wrongly Mentioned As Chedu Ram) Resident Of Village Parsada, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh
9. Prahlad Das S/o Narayan Aged About 41 Years Resident Of Village Parsada, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Petitioners

Versus

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

--- Respondents

For the Petitioners : Mr. K.K. Patel, Advocate

For the State : Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.03.2021

1. Learned counsel for the petitioners submits that the lands of the petitioners were acquired for construction of Mirouni Bairaj by award dated 03.01.2017 in Land Acquisition Case No. 23/ A-82/2014-2015 village Barekelkala Tahsil Jaijaipur, Distt. Janjgir Champa. However, the petitioners have not been provided rehabilitation benefit despite the fact that they have lost their livelihood and they were 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 23.09.2016 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 petitioners have made certain applications on or before 25.02.2021 and the said applications 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.
2. Considering the fact that the award after acquisition was passed on 03.01.2017 and since the rehabilitation benefits were not granted as per Schedule-II of the Act, 2013, the petitioners have made a representation to the Collector Janjgir Champa by Annexure P-1 on 25.02.2021, it is directed that the Collector and Land Acquisition Officers shall decide the representations of the petitioners 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.

3. With the above observations/direction, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**

Jyoti