

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1532 of 2021

Sambhu Lal Patel S/o Man Mohan Aged About 46 Years (in the Compensation Chart Petitioner's Father Name is mentioned he is dead after his death the petitioner is the legal successor) R/o Village Barekelkala, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh.

--- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar (Chhattisgarh), Chhattisgarh
2. Collector Janjgir Champa, District Janjgir Champa (Chhattisgarh),
3. Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue) Sakti, District Janjgir Champa Chhattisgarh.

--- **Respondents**

For the Petitioner : Mr. Surfaraj Khan & Mr. Kamal Kishore Patel,
Advocates

For the State : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.03.2021

1. Learned counsel for the petitioner submits that the land(s) of the petitioner were acquired for construction of Mirouni Bairaj by award dated 03.01.2017 in Land Acquisition Case No. 24/A-82/2014-2015 village Amoda Tahsil Jaijaipur, Distt. Janjgir Champa. However, the petitioner has not been provided rehabilitation benefit despite the fact that he has lost his 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 23.09.2015 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 on 22.02.2021 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.

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 petitioner has made representation to the Collector 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.
3. With the above observations/direction, this writ petition stands disposed of.

Sd/-
GOUTAM BHADURI
JUDGE