

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1638 of 2021

- Momin Khan S/o Ghashi Khan Aged About 60 Years R/o Ward No. 3, Baloda, Police Station Baloda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Secretary Public Works Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
3. Executive Engineer Public Works Department, Champa Division, Champa, District Janjgir Champa Chhattisgarh
4. Collector (Land Acquisition) District Janjgir Champa Chhattisgarh
5. Sub Divisional Officer (Revenue) Land Acquisition Officer Janjgir District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner : Shri Govind Prasad Dewangan, Advocate

For Respondent/ State : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.03.2021

Heard

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not paying the petitioner compensation against the land belonging to the petitioner which has been acquired for the purpose of construction of the Baloda Bypass Road.

2. According to the petitioner, the said property has been taken over/acquired by the respondents under the Mutual Consent Land Purchasing Scheme, 2016. The further contention of the petitioner is that the respondents themselves had vide order dated 30.10.2019 amended the aforesaid scheme of 2016 and have ordered that the compensation has to be calculated applying the multiplier of 2 in the event the land situates in the rural area and multiplier of 4 in case if the land situates in the urban area. According to the petitioner, the respondents have neither paid any compensation to the petitioner, nor have they properly assessed or quantified the actual compensation that the petitioner is entitled for.
3. Learned State counsel would submit that the amendment on which the petitioner placed reliance has come into effect on 30.10.2019, whereas the award is passed on 08.05.2018, therefore, the benefit of amendment which came subsequent to the passing of the award, the petitioner shall not be entitled for the same.
4. In view of this fact, I do not find it proper to keep this petition pending and it would initially require finding of fact. Considering the same, the petitioner is given liberty to make further claim before the concerned Collector and the SDO and the said authorities thereafter shall decide the claim of the petitioner within a reasonable time subject to verification of the facts that whether the petitioner is entitled for the benefit of amended scheme or not?
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge