

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1536 of 2021

1. Aghori Kewat S/o Shivilal Kewat Aged About 65 Years R/o Village Barekekala, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh

2. Kanhaiya Nishad S/o Mohar Say Aged About 28 Years R/o Village Barekekala, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh ---

Petitioners

Versus

1. State of Chhattisgarh through Secretary Revenue and Dissaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar 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 Petitioners : 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 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. 24/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 23.09.2015

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 petitioners have made certain application 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 petitioners have made representation to the Collector Janjgir Champa by Annexure P-1, 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