

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1578 of 2021**

Mahettar, S/o. Jugutram, Aged About 71 Years, R/o. Village Jashpur, Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur Chhattisgarh
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Land Acquisition Officer-Cum-Sub Divisional Officer (Revenue) Sarangarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioners : Mr. Tapan Kumar Chandra, Advocate

For Respondents/State : Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

18.03.2021

Heard.

1. Learned counsel for the petitioner submits that the lands of the petitioner were acquired for construction of Saradih Barrage and the award was passed on 12.02.2020 (Annexure P-1). It is stated that the amount of award though was passed on 12.02.2020 but actually the compensation was paid on 03.07.2020 and the interest has not been paid whereas the possession of the land was taken right from the year 2018. It is submitted that the petitioner though was also entitled for interest on the award under section 80 of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short "the Act of 2013) but the same is not been paid.

2. Section 80 of the Act of 2013 reads as under :-

“80. Payment of interest.-When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent,per annum from the time of so taking possession until it shall have been so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent, per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.”

3. Considering the fact that the petitioner has not been paid the interest on the amount of award, the petitioner is given liberty to make an application before respondent No.3, about the entitlement of the interest from the date of possession till the date of actual payment, and if such application is filed, the same shall be decided within a further period of 90 days from the date of representation.
4. Directions given by this Court would be subject to the verification of the fact by the authorities concerned so far as the entitlement of the compensation to the petitioner is concerned.
5. With the above direction/observation, this writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Aks