

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2174 of 2021

Babulal Patel S/o Late Mohan Lal Patel Aged About 67 Years R/o Village Nirtu, Tehsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Chhattisgarh.
2. Natioanl Highway Authority Of India Through Its Project Director, Project Implementation Unit Abhilasha Parisar Behind New Bus Stand Bilaspur, District Bilaspur, Chhattisgarh.
3. Collector Bilaspur District Bilaspur, Chhattisgarh.
4. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer Bilaspur District Bilaspur, Chhattisgarh.

---- Respondents

For petitioner – Shri Surfaraj Khan, Advocate.

For State- Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/06/2021

Heard.

1. The limited grievance that the petitioner has raised in the present writ petition is for grant of interest on the delayed payment of compensation paid to the petitioner under the “Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act of 2013”.
2. According to the petitioner, the land belonging to the petitioner was acquired on 23/08/2018 and the compensation amount for the said land was paid only on 19/03/2019 after few months. According to the petitioner, he is also entitled for the interest on the said amount as is envisaged under Section 80 of the aforementioned Act of 2013.
3. 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.”

4. Considering the aforesaid statutory provisions, let the petitioner approach the respondents No. 3 & 4, so far as his claim for interest is concerned, and the respondents No.3 & 4, in turn shall consider and decide his claim in accordance with law under which the acquisition proceedings were drawn at the earliest preferably within a period of 6 months from the date of receipt of the copy of this order.
5. Directions given by this Court would be subject to the verification of fact by the authorities concerned so far as the entitlement of the compensation and interest to the petitioner is concerned.
6. With the above direction/observation, this writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE