

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 2581 of 2021

Prakash Kumar Patel, S/o. Ramjhul Patel, Aged About 81 Years, R/o. Village Nirtu, Tehsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. National Highway Authority Of India, Through Its Project Director, Project Implementation Unit Abhilasha Parisar, New Bus Stand, Bilaspur, Chhattisgarh.
2. Collector Bilaspur, District Bilaspur, Chhattisgarh.
3. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For Union of India	:	Mr. R.K.Mishra, A.S.G.
For State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

29.06.2021

Heard

Mr. Ramakant Mishra, learned ASG, who normally appears for National Highway is requested to take notice on behalf of the National Highway Authority of India.

1. Learned counsel for the petitioner submits that the land(s) of the petitioner were acquired for construction of Bilaspur-Katghora highway by award dated 23.08.2018 in Land Acquisition Case No. 44/A-82, Year 2016-17, Village Nirtu, Tahsil Takhatpur, Distt. Bilaspur (C.G.). 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 16.06.2021 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 23.08.2018 and since the rehabilitation benefits were not granted as per Schedule-II of the Act, 2013, the petitioner has made representation to the Land Acquisition Officer, Bilaspur by Annexure P-3, it is directed that the Land Acquisition Officer 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

Aks