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HIGH COURT OF CHHATTISGARH, BILASPUR**F.A(M) No.115 of 2018****Reserved on 21.09.2021****Pronounced on 29.09.2021**

1. Sanjay Kumar Singh S/o Ram Pratap Singh Aged About 41 Years R/o Village Kusmunda, Tahsil Katghora, District Korba Chhattisgarh.
2. Smt. Ratnaprabha Swarnakar, W/o Shri Gopal Swarnakar, Aged About 52 Years R/o Village Kusmunda, Tahsil Katghora, District Korba Chhattisgarh.
3. Smt. Jamuna Bai W/o Shri Premlal Thawait, Aged About 52 Years R/o Village Kusmunda, Tahsil Katghora, District Korba Chhattisgarh.
4. Ku. Savita D/o Premlal Thawait, Aged About 23 Years R/o Village Kusmunda, Tahsil Katghora, District Korba Chhattisgarh.
5. Smt. Sarla Thakur W/o Rai Singh Thakur, Aged About 46 Years R/o Village Kusmunda, Tahsil Katghora, District Korba Chhattisgarh.
6. Arun Kumar Pandey S/o Late Sudarshan Pandey, Aged About 53 Years R/o Village Kusmunda, Tahsil Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
7. Smt. Nandini Jain W/o Shri Virendra Kumar Jain, Aged About 35 Years R/o CSEB Colony, Qtr. No. Nf/19, Tahsil And District Korba Chhattisgarh.
8. Smt. Mini Jha W/o Amardeep Jha, Aged About 31 Years R/o Qtr. No. 400/A, Sector - 5, Balco Nagar, Korba, Tahsil And District Korba Chhattisgarh.

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1. South Eastern Coalfields Limited, Through Its Managing Director, S.E.C.L. Gevra Project, Seepat Road, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. General Manager, S.E.C.L. Gevra Area Project Gevra, Police Station Gevra, District Korba Chhattisgarh.
3. Collector, District Korba (C.G.)
4. Sub Divisional Officer (Revenue) And Prescribed Officer / Land Acquisition Officer, Katghora, District Korba Chhattisgarh.
5. Chamra Das S/o Sukrit Das Aged About 50 Years R/o Village Naraibodh, Tahsil Katghora, District Korba Chhattisgarh.
6. Shiv Prasad S/o Shobhitram, Aged About 46 Years R/o Village Naraibodh, Tahsil Katghora, District Korba Chhattisgarh.
7. Budhwar Sai, S/o Maya Ram, Aged About 42 Years R/o Village Naraibodh, Tahsil Katghora, District Korba Chhattisgarh.

8. Khem Sai S/o Budhram, Aged About 64 Years R/o Village Naraibodh, Tahsil Katghora, District Korba Chhattisgarh.
9. Samelal S/o Kejuram Patel, Aged About 45 Years R/o Village Naraibodh, Tahsil Katghora, District Korba Chhattisgarh.
10. Suraj Kunwar D/o Nanki Dau, Aged About 45 Years R/o Village Barpali, Post Gevra, Police Station Kusmunda, Tahsil Katghora, District Korba Chhattisgarh
11. (Deleted) Kunjram (Dead) As Per Court Or. Dt. 10-05-2019.,

---Respondents

For Appellants:	Shri Kumaresh Tiwari, Advocate.
For Respondents No.1 & 2:	Shri Vinod Deshmukh along with Shri Ritesh Giri, Advocate.
For Respondents No.3 & 4/State:	Smt. Smita Jha, P.L.
For Respondent Nos.6 to 11:	None, though served.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J
C A V Judgment / Order

1. This Appeal has been preferred by the Applicants under Section 20 (1) of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (henceforth referred to as 'the Act of 1957') questioning the legality and propriety of the order dated 17.08.2017 passed in P.T.T No.05/2017, whereby the Part Time Tribunal constituted under the Act of 1957 (henceforth referred to as 'the Tribunal') has rejected their applications filed under Section 14(2) of the Act of 1957. The parties to this Appeal shall be referred hereinafter as per their description in the Court below.

2. Briefly stated the facts of the case are that the Applicants have initiated the proceedings under Section 14(2) of the Act of 1957 seeking compensation with regard to the property in question acquired by Non-Applicants No.1 & 2- South Eastern Coalfields Limited (henceforth referred to as 'the SECL) by submitting, *inter alia*, that they are the owners of it as they purchased the same

from its owners i.e. Non-Applicants No.5 to 11 (name of Non-Applicant No.11-Kunjram has been deleted as per the order dated 01.05.2019) in the year 2010-11 under the registered deeds of sale. According to them, they came to know in the year 2015 that the property in question purchased by them has been acquired by SECL, Gevra and the amount of compensation is going to be disbursed to their vendors, which led to filing of the representations before the competent authority of the said Company i.e. SECL but the same have not been decided. Therefore, they have been constrained to file the claim before the Tribunal seeking amount of compensation with regard to the property in question as acquired by them under the registered deeds of sale.

3. The aforesaid claim has been contested by the SECL on the ground that since the alleged sales were made after issuance of Notification dated 03.06.2010 under Section 9 of the Act of 1957 and since the property in question was vested with the Central Government free from encumbrances under Section 10 of the said Act of 1957, therefore, the claim as made is not maintainable and liable to be rejected. While, the vendors of the Applicants have accepted their claim and stated that they have no objection if the amount of compensation is disbursed to them.

4. After considering the pleadings of the parties, it has been observed by the Tribunal that since there is no dispute between SECL and Non-Applicants No.5 to 11 i.e. the erstwhile owners of the property in question with regard to the amount of compensation, therefore, the Applicants are not entitled to be compensated under Section 14(2) of the Act of 1957 and accordingly, the claim has been dismissed.

5. Learned Counsel for the Applicants submits that the finding of the Tribunal holding that the Applicants are not entitled to obtain the amount of compensation under Section 14(2) of the Act of 1957 is apparently contrary to law. While referring to the provisions prescribed under Section 17 of the Act of 1957, it is contended that since there was no dispute with regard to the property in question between the Applicants and their vendors, therefore, there was no occasion for the Tribunal to reject their claim. The finding of the Tribunal is, therefore, liable to be set aside.

6. On the other hand, learned Counsel appearing for Respondents have supported the order impugned as passed by the Tribunal.

7. I have heard learned Counsel for the parties and perused the entire record carefully.

8. The question which arises for determination in this Appeal is as to whether the Tribunal has committed an illegality in dismissing the claim of the Applicants despite the fact that the vendors of theirs have raised no dispute with regard to their entitlement to receive the amount of compensation as provided under Section 17(2) of the Act of 1957 ?

9. From perusal of the record, it appears that the Applicants have purchased the property in question from its vendors i.e. Non-Applicants No.5 to 11 under the registered deed of sales as under:-

Sl. No	Names of Applicants/Purchasers	Date of Purchase	Names of Vendors	Description of properties with area (in hectares)
1.	Sanjay Kumar Singh/ Applicant No.1	10.09.2010	Chamra Das Non-Applicant No.5	Khasra No.364-0.040 part of Khasra No.374-0.040 Khasra No.440/3-0.174
2.	Smt Ratna Prabha Applicant No.2	25.03.2011	Shiv Prasad and Lagan Bai, both son and daughter of Shobhit Ram Non-Applicant No.6.	Part of Khasra No.86-0.049 Khasra No.255/1-0.016 Khasra No.454/1- 0.142 459/1 0.036 part of Khasra No.512/1 0.008
3.	Smt Jamna Bai and Ku. Savita Applicants No.3 & 4	25.03.2011	Budhwar Sai Non-Applicant No.7	Khasra No.127/7 0.202 part of Khasra No.212/8 0.049
4.	Smt Sarla Thakur Applicant No.5	04.05.2011	Khemsai Non-Applicant No.8	Khasra No.346/5 0.016 460/4 0.113 517/1(π) 0.121
5.	Arun Kumar Pandey Applicant No.6	21.02.2011	Samaylal and Jageshwar both sons of Kejuram Patel Non-Applicant No.9	430/2 0.283
6.	Smt Nandini Jain Applicant No.7	23.12.2011	Surju Kunwar Non-Applicant No.10	Khasra No.221/8 0.239 part of 276/1 0.012
7.	Smt Mini Jha Applicant No.8	16.12.2010	Kunjram Non-Applicant No.11 Note: His name is deleted from the cause title of the memo of Appeal as per order dated 01.05.2019	436/4 0.044

10. It, thus, appears that the Applicants have purchased the property in question under the aforesaid registered deeds of sale from their respective vendors. It, however, appears to have been purchased after its acquisition by SECL as it was acquired and vested with the Central Government vide Notification dated 03.06.2010 which was issued under Section 9 of the Act of

1957. Although at the time of its acquisition, the Applicants were not the owners of it, but nevertheless, their interests have not been disputed as evidenced by the bare perusal of the written statements filed by their vendors, who have undisputedly sold their interest over the property in question acquired by the said SECL. Section 17 of the Act of 1957 is to be noted at this juncture, which reads as follows:-

“17. Payment of compensation.—(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

[Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.]

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.”

11. According to the aforesaid provision, it is evident that the amount of compensation payable under this Act may be tendered or paid to the persons who are interested and entitled for that unless restricted or prevented by any one or more of the contingencies as provided in sub-section (2) of the aforesaid provision. Since the title of the Applicants acquired under the above mentioned sales were not disputed by their vendors nor of their entitlement to receive the amount of compensation, therefore, in view of the said background, the Tribunal had no option but to disburse the amount of compensation payable to the Applicants with regard to their respective shares.

12. Consequently, the Appeal is allowed and the Applicants are entitled to receive the amount of compensation with regard to their respective shares as determined and payable under the Act of 1957. No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE