

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.3956 of 2013

Tirithram, S/o late Shri Sakharam Sahu, aged about 60 years, R/o Village Gataura (Sukhripali, Aramsahi), P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.4035 of 2013

Data Ram, S/o late Shri Bhajoram Sahu, aged about 70 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3812 of 2013

Devram Sahu, S/o Bhojram Sahu, aged about 31 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3817 of 2013

Battulal Sahu, S/o Sakharam Sahu, aged about 55 years, R/o Village Gataura (Sukhripali), Post, Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3814 of 2013

Samaru Ram, S/o Tirath Ram, aged about 49 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3954 of 2013

Firan, S/o late Mahettar Lal Sahu, aged about 50 years, R/o Village Gataura (Sukhripali, Aramsahi), P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3813 of 2013

Lokram Sahu, S/o Ful Sai Sahu, aged about 41 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3953 of 2013

Shiv Prasad, S/o Sonauram, aged about 34 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3816 of 2013

Kaliram Sahu, S/o Alag Ram Sahu, aged about 52 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3815 of 2013

Smt. Ramvati Sahu, W/o Late Mantri Ram Sahu, aged about 61 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3955 of 2013

Smt. Suraj Bai, Wd/o late Shri Sonau Ram Sahu, aged about 62 years, R/o Village Gataura (Sukhripali), P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3912 of 2013

Udal Sahu, S/o Chhatram Sahu, aged about 60 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3919 of 2013

Aatmaram Sahu, S/o Chhatram Sahu, aged about 55 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3913 of 2013

Smt. Shukwara Bai, widow of Late Mahettar, aged about 65 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3911 of 2013

Anup Ram, S/o late Shri Devcharan, aged about 63 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3916 of 2013

Kalash Ram, S/o Late Shri Daulat Ram Sahu, aged about 48 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3915 of 2013

Smt. Shanti Bai Sahu, W/o Late Rohit Ram Sahu, aged about 67 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3914 of 2013

Smt. Puratan, W/o Rameshwar Sahu, aged about 65 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3917 of 2013

Jagdish Prasad, S/o Alag Ram, aged about 36 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.3818 of 2013

Phool Sai, S/o Panch Ram Sahu, aged about 64 years, R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

Writ Petition (S) No.4036 of 2013

Smt. Teras Bai, widow of Late Amrit Lal Sahu, aged about 47 years,
R/o Village Gataura (Sukhripali), Post Aramsahi, P.S. Seepat, Tahsil
Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

AND

Writ Petition (S) No.4034 of 2013

Radheyshyam, S/o late Shri Alakhram Sahu, aged about 50 years,
R/o Village Gataura (Sukhripali, Aramsahi), P.S. Seepat, Tahsil
Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Revenue and Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya, Raipur (C.G.)
2. The General Manager (HR), National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
3. The Managing Director, National Thermal Power Corporation, NTPC Super Thermal Power Plant, Seepat, Bilaspur, District Bilaspur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)
5. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioners: Mr. Sushobhit Singh, Advocate.
For Respondents No.1, 4 and 5: -
Mr. Sunil Otwani, Additional Advocate General.
For Respondents No.2 and 3 / NTPC: -
Mr. Prafull N. Bharat, Senior Advocate with Mr. B.D. Guru
and Mr. Anuroop Panda, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/09/2021

1. Since common question of law and fact is involved in all the above writ petitions, they were clubbed together and heard analogously and are being disposed of by this common order.
2. The petitioners are land oustees. Their lands have been acquired by the State of Chhattisgarh for the purpose of respondent No.2 National Thermal Power Corporation Limited, Seepat, Bilaspur (for short, 'the NTPC'). It is the case of the petitioners that they have been provided compensation against the acquisition of their lands, but they have not been granted employment as per the scheme of Resettlement & Rehabilitation Policy promulgated by the NTPC in the year 1993 and substituted in the year 2010 and therefore they are entitled for employment and rehabilitation. It is the further case of the petitioners that non-grant of employment and not granting rehabilitation is totally arbitrary, illegal and without jurisdiction and contrary to the decision of the Supreme Court in the matter of Banwasi Seva Ashram v. State of U.P. and others¹.

3. In the returns filed, the respondents have disputed the correctness of the averments made in the writ petitions and stated that compensation

¹ AIR 1992 SC 920

has already been given and the amount of rehabilitation has also been given to them and the petitioners / land oustees have also executed affidavits to that effect in favour of the NTPC after taking the amount of rehabilitation. Copies of agreements have also been said to have been filed on record.

4. Mr. Sushobhit Singh, learned counsel appearing for the petitioners, would submit that though the petitioners' lands have been said to have been acquired by the State for the purpose of respondent No.2 NTPC and though compensation in lieu of acquisition of land has been granted, but rehabilitation and employment has not been granted in accordance with the applicable Rehabilitation and Resettlement Policy, therefore, appropriate direction be issued to the respondents in accordance with the decision of the Supreme Court in Banwasi Seva Ashram (supra). Even otherwise, the representations of the petitioners are also pending consideration, but same have not been considered and no order granting employment and rehabilitation has been issued in favour of the petitioners and as such, appropriate direction be issued.
5. Mr. Sunil Otwani, learned Additional Advocate General appearing for the State / respondents No.1, 4 and 5, would submit that list of victims / land oustees has already been forwarded by the State to the NTPC and it is for the NTPC to provide rehabilitation in accordance with law.
6. Mr. Prafull N. Bharat, learned Senior Counsel ably assisted by Mr. B.D. Guru and Mr. Anuroop Panda, learned counsel appearing for respondents No.2 and 3 / NTPC, would submit that the petitioners

have already been granted the benefit of compensation against the acquisition of lands and their representations qua rehabilitation and employment, if any, will be considered in accordance with law, applicable policy, rules, regulations, etc..

7. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
8. It is not in dispute that the petitioners are land oustees and their lands have been said to have been acquired by the State at the instance of respondent No.2 NTPC for public purpose. It is also not disputed that payment of compensation against acquisition of land has already been granted to the petitioners / land oustees. Learned counsel for the petitioners clearly submits that there is no dispute with regard to payment of compensation to the land oustees / petitioners. As such, there is no issue with regard to payment of compensation to the petitioners / land oustees.
9. The main dispute which has been brought before the Court is though the applicable rehabilitation policy against acquisition of land provides for grant of employment to one of the family members of the land oustee and also provides for rehabilitation also against acquisition of land, but that has not been provided to the petitioners / land oustees, as such, that be granted to them. It is the case of the petitioners that the petitioners have made representations for employment and rehabilitation and same have not been considered and no order on the said representations has been passed either granting the same or otherwise, qua employment and rehabilitation claimed by them in lieu

of acquisition of land, as the rehabilitation policy provides for the same.

10. A careful perusal of the record would show that except the stand taken by respondent No.2 NTPC, no order has been brought on record that cases of the petitioners / land oustees have been considered for grant of employment and rehabilitation and order has been passed this way or that way. It is not in dispute that rehabilitation policy provides for grant of employment and also for rehabilitation, but since no express order has been passed by respondent No.2 either way, after due consideration, it would be appropriate to remit the matter to a two-member body consisting of the Collector, Bilaspur or any other Additional Collector duly nominated by the Collector and the General Manager (Human Resources), NTPC, Seepat, Bilaspur to consider the issue of employment / rehabilitation in the following manner: -

1. Each of the petitioners will make claim separately supported by documents within 30 days from today to the office of the General Manager (HR), NTPC, Seepat, Bilaspur and the NTPC will also submit its respective stand in each of the petitioner's case to the General Manager (HR) within a period of one month from the date of receipt of claim from the petitioners and record of each case will be maintained separately.
2. Thereafter, the Collector or his nominee will sit together along with the General Manager (HR), NTPC, in the Collectorate premises and will hear the petitioners / their representative and the respondent NTPC / its representative and will hold a brief hearing which will be completed within a period of two months

and thereafter, pass reasoned and speaking order in each individual case separately within 45 days from the date of hearing, in accordance with law.

3. The party / aggrieved person will be at liberty to question the order so passed, in accordance with law.

11. It is made clear that this Court has not expressed any opinion on the merits of the matter.

12. All the writ petitions are accordingly disposed of in the manner in indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma