

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3588 of 2021

1. Riyolal, S/o. Anandram, Aged About 53 Years.
2. Gayaram, S/o. Late Ratiram, Aged About 60 Years.

Both are R/o. Village Bijari, Tehsil Gharghoda, District – Raigarh, Chhattisgarh

---- Petitioners

Versus

1. Union Of India Through Ministry Of Coal, Rajpath Area, Central Secretariat, New Delhi 110001
2. SECL Through Its Chairman-Cum-Managing Director Seepat Road, Bilaspur Chhattisgarh
3. South Eastern Coalfields Limited Raigarh Area Through Its General Manager Kelo Vihar Raigarh Tehsil And District Raigarh Chhattisgarh
4. South Eastern Coalfields Limited Raigarh Area Through Its Sub Area Manager Barod District Raigarh Chhattisgarh
5. Collector Raigarh District Raigarh Chhattisgarh
6. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer Gharghoda District Raigarh Chhattisgarh

---- Respondents

For Petitioners	:	Shri Surfaraj Khan, Advocate
For Union of India/Respondent : No.1	:	Shri Tushar Dhar Diwan, Advocate on behalf of Mr. Ramakant Mishra, ASG.
For SECL/Respondent No.2 to 4:	:	Shri Pankaj Agrawal, Advocate
For State/Respondent No.5 & 6 :	:	Shri Anmol Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.09.2021

Heard

1. Learned counsel appearing for the petitioners would submit that the petitioners' land has been acquired by the respondent No.2- South Eastern Coal Fields Limited (SECL), under the provisions of Coal Bearing Act(Acquisition and Development Act), 1957 (for short the "Act

of 1957”) in lieu of which neither compensation has been paid to the petitioners nor rehabilitation has been provided to them till date. The petitioners have also made representations before the competent authorities but it has not been considered and decided till date. He would further submit that respondents are not taking cognizance of the memo dated 04.08.2017 issued by Government of India in which certain clarifications have been issued.

2. I have heard learned counsel for the petitioners.
3. The prayer appears to be fair and reasonable and is accordingly allowed.
4. Considering the facts of the case, the petitioners are given liberty to make a fresh representation to Respondents No. 2 & 3 within a period of 3 weeks from today and if such representation is filed, Respondents No. 2 & 3 are directed to decide the representation strictly in accordance with law within a further period of 3 months from the date of receipt of the copy of the representation. The respondents are also directed to take cognizance of the memo dated 04.08.2017 issued by the Government of India.
5. With the aforesaid directions, the writ petition is accordingly disposed of. No order as to cost(s).

Aks

Sd/-
(Goutam Bhaduri)
Judge