

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3725 of 2021

Shivlal S/o Makundram Aged About 86 Years R/o Village Khedapali Tehsil Dharamjaigarh, District Raigarh Chhattisgarh.

---- Petitioner

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 Petitioner	:	Shri Surfaraj Khan, Advocate.
For Respondent/ State :		Shri Ashish Tiwari, G.A.
For respondent/SECL :		Shri Pankaj Agrawal, Advocate.
For Union of Inda :		Shri Tushar Dhar Diwan, Advocate appears on behalf Shri Ramakant Mishra, ASG.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16/09/2021

Heard.

1. Learned counsel appearing for the petitioner would submit that the petitioner's 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

rehabilitation has not been provided to him till date. The petitioner has 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 petitioner.
3. The prayer appears to be fair and reasonable and is accordingly allowed.
4. Considering the facts of the case, the petitioner is 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 and if the compensation is already received, they should hand over the possession of the land to the respondents so as to consider their claim in view of the aforesaid memo.
5. With the aforesaid directions, the writ petition is accordingly disposed of. No order as to cost(s).

Sd/-
(Goutam Bhaduri)
Judge