

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4159 of 2021

- Dharam Singh S/o Late Goverdhan Singh Aged About 63 Years R/o Village Rumkera Tehsil Gharghoda, 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	– Mr. Surfaraz Khan, Advocate.
For Respondent No.1/U.O.I.	– Mr. Tushar Dhar Diwan, Advocate on behalf of Mr. R.K. Mishra, Asst.S.G.
For SECL/Respondents No.2 to 4	– Mr. Pankaj Agrawal, Advocate.
For State/Respondents No.5 & 6	– Ms. Shreya Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-10-2021

1. Heard.
2. It is submitted by the petitioner that the land under the ownership of the

petitioner has been acquired under the provisions of Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter referred to as 'the Act, 1957'). Compensation for the same has been determined under Section 13(5) of the Act, 1957 on 07.05.2016. It is submitted that as per the letter dated 04.08.2017 issued by the Government to the Chairman-Cum-Managing Director, Coal India Ltd., there is clear direction that in the matter of acquisition of land, where the compensation has been determined after the date 01.09.2015 in such cases the provisions of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the Act, 2013') shall be applicable.

3. It is submitted that the petitioner is making claim for rehabilitation and resettlement in accordance with serial No.4 of Schedule 2 of the Act, 2013 regarding which representation has been made but the same has not been decided so far. Hence, it is prayed that the respondents may be directed to consider on representation of the petitioner accordingly and pass appropriate orders.
4. Learned counsel representing respondents No.1 and 2 opposes the submissions and submits that the submissions that have been made by the learned counsel for the petitioner are inconsistent with the reliefs prayed by him in the petition. Therefore, it is prayed that the petition may be disposed off.
5. Learned counsel appearing for respondents No.5 and 6 makes formal objection.
6. Considered on the submissions. The petition is disposed off at the motion stage. The respondents are directed to consider on the earlier filed representation of the petitioner. The petitioner is also granted liberty

to file fresh representation within a period of 3 weeks from today. If such representation is filed then the respondents No.2 and 3 are directed to consider and decide the representation of the petitioner in accordance with law and decide the same preferably within a period of 3 months from the date the representation is received by them. The respondents are also directed to consider the representation of the petitioner in the light of memo dated 04.08.2017 issued on Government of India also serial No.4 of Schedule 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

7. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika