

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4880 OF 2021**

- Hemlal Jaiswal, S/o Late Jhanakram Jaiswal, aged about 65 years, R/o Village Kathli, Post Taparda, Tahsil Pusaur, District Raigarh (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Civil and Revenue District Raipur (C.G.)
2. The Collector, Collectorate, Raigarh, District Raigarh (C.G.)
3. Sub Divisional Officer (Revenue) cum Land Acquisition Officer, Competent Authority, National Highway, Raigarh, District Raigarh (C.G.)
4. Talsidar, Tahsil Pusaur, District Raigarh (C.G.)
5. Revenue Inspector, Bade Bhandar, Tahsil Pusaur, District Raigarh (C.G.)
6. Executive Engineer, Kelo Project Division Lakha, District Raigarh (C.G.)
7. Digamber Choudhary, S/o Sadhram, R/o Village Kathli, Post Taparda, Tahsil Pusaur, District Raigarh (C.G.)

... Respondents

For Petitioner	:	Ms. Reena Singh, Advocate.
For Respondents 1 to 6	:	Mr. Chandresh Shrivastava, Dy. A.G.
For Respondent 7	:	Mr. Saket Kesharwani, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[08/12/2021]**

1. The whole dispute in the present Writ Petition seems to be the alleged acquisition of the Petitioner's property situated at Khasra No.109/1 measuring 0.057 hectares in Village Kathli, Pusaur, District Raigarh, for construction of Kalma Minor 1 and Kalma Minor 2 projects at Kelo Dam.
2. The matter pertains to the two Awards passed for the aforesaid two projects of Kalma Minor 1 and Kalma Minor 2. The first Award is dated 1.2.2012 and the second Award is of 3.2.2020. In both the Awards, the acquisition of the property seems to be that which is situated at Khasra No.109/1 and 109/2A.

3. However, the contention of learned Counsel for Petitioner is that the Petitioner's property which is situated at Khasra No.109/1 has already got acquired and the property belonging to Respondent No.7 at Khasra No.109/2 has not been acquired, however, in the two Awards the land has been shown as that which situates in Khasra No.109/2 and 109/2A instead of 109/1 which belongs to the Petitioner. The compensation by the two Awards has been ordered to be paid to Respondent No.7 and the compensation so far as the first Award is concerned has already been received by Respondent No.7.

4. Learned Deputy Advocate General at the same time submits that the first Award is that of the year 2012 and for reasons best known the Petitioner has not approached the Authorities questioning the compensation being awarded to Respondent No.7 till date, except for various representations that were being made periodically.

5. Further contention of learned Deputy Advocate General is that even if it is an error on the part of the Respondents, the Petitioner could have moved an appropriate application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. That, upon such application being made, the grievance of the Petitioner can still be redressed both in respect of the verification as to whether it is the Petitioner's property which has been acquired and whether the compensation has been paid to the concerned person or not.

6. Given the said submission by learned Deputy Advocate General, the present Writ Petition at this juncture is disposed of directing the Petitioner to take appropriate recourse available under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition

Rehabilitation and Resettlement Act, 2013 before the District Collector, District Raigarh i.e. Respondent No.2 herein. The Respondent No.2 in turn shall, on due verification of the facts and contents of the said application, take appropriate recourse in accordance with Section 64 of the aforesaid Act and if necessary, shall make appropriate reference to the Authority appointed for the redressal of grievances under Section 64.

7. Subject to the Petitioner making suitable application in this regard, let appropriate decision be taken by Respondent No.2 or the concerned Authority to whom the reference is made, within an outer limit of six months.

8. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge