

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4836 of 2021

- Hanuman Singh S/o Late Triveni Singh Aged About 54 Years R/o Village Tikait Pendri Tehsil Pathariya District Mungeli Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh through Secretary Department of Revenue and Disaster Management Mahanadi Bhawan Atal Nagar Raipur Chhattisgarh
2. Collector Mungeli District Mungeli Chhattisgarh
3. Sub-Divisional Officer Pathariya District Mungeli Chhattisgarh
4. Executive Engineer Maniyaari Water Resource Division Mungeli District Mungeli Chhattisgarh

---- Respondents

For Petitioner – Mr. Hari Om Rai, Advocate on behalf of Mr. Kamal Kishor Patel, Advocate.

For State-respondents – Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2021

Heard.

1. It is submitted that the petitioner is land losers whose land was acquired for construction of Maniyari Barrage. The compensation has been determined by award dated 12-12-2013 in accordance with the Land Acquisition Act, 1894. The amount of compensation has been paid after 01-01-2014 after enforcement of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the Act, 2013'). Proviso 2 of Section 24 of the Act, 2013 specifically provides that in case where award of compensation made with respect to the land holdings has not been deposited in the account of the beneficiaries when the Act came in force, then all the beneficiaries specified in the notification under Section 4 of the Land Acquisition Act, 1894 shall be entitled to compensation in accordance with the provisions of the Act, 2013. Hence, on this basis the petitioner has

made representation before the respondent authorities, but the same is remained undecided till date. Hence, it is prayed that appropriate direction be issued.

2. The State counsel opposes the submission and submits that the petitioner has remedy to file reference under Section 64 of the Act, 2013. Therefore, the petition may be disposed off.

3. Considered on the submissions and after perusing the documents present in the record of the petition, this petition is disposed off at motion stage. Respondents No.2 and 3 are directed to consider on the representation filed by the petitioner and take decision on the same in accordance with law within a time limit of 60 days from today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge