

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4861 of 2021**

1. Smt. Bimla W/o Shri Amilal Agrawal Aged About 63 Years R/o Village- Pithora, Tehsil And P.S. Pithora, District- Mahasamund, Chhattisgarh
2. Smt. Kanta Agrawal W/o Shriniwas Agrawal Aged About 50 Years R/o Village- Sankara, Tehsil And P.S. Pithora, District- Mahasamund, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Water Resource Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
3. Collector, Mahasamund, Chhattisgarh
4. Land Acquisition Officer And Sub- Divisional Officer, (Revenue) Pithora, District- Mahasamund, Chhattisgarh
5. Tehsildar Pithora, District- Mahasamund, Chhattisgarh
6. Executive Engineer, Water Resource Division, Mahasamund, District- Mahasamund, Chhattisgarh

----Respondents

For Petitioners	:	Mr. Surfaraj Khan, Advocate with Mr. Rishi Sahu, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G. with Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07/12/2021

1. Aggrieved by the impugned order Annexure P/3 dated 29.09.2021 the present writ petition has been filed.
2. The present is the second round of litigation. The earlier round of litigation was WPC No. 3286/2021, whereby the petitioners had approached this Court for grant of compensation under the **Right to**

Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013. The High Court had disposed of the writ petition on 16.08.2021 directing the Collector, District Mahasamund and the Land Acquisition Officer and Sub-Divisional Officer (Revenue), Pithora, District Mahasamund to consider and decide the claim of the petitioners within a period of 60 days from the date of receipt of copy of this order.

3. Pursuant to the order passed by this Court, the Sub-Divisional Officer (Revenue) Pithora District Mahasamund considered the claim of the petitioners and has passed the impugned order Annexure P/3 dated 29.09.2021, whereby it has been found that the petitioners are entitled for the award passed on 24.01.2017, whereby the compensation quantified to the petitioners was Rs. 1,58,080/- and which the petitioners can received by approaching the authorities concerned on any working day. It is this order which is under challenge in the present writ petition.
4. The petitioners seem to be dissatisfied with the amount of compensation and interest as granted in the award by the concerned Sub-Divisional Officer. It would be relevant at this juncture to refer to Section 64 of the aforementioned Act of 2013, whereby the procedure and mechanism is provided for any person who is not satisfied with the award passed or with the quantum of compensation calculated in the course of passing of the award. For ready reference Section 64 is quoted hereinunder:

“64. Reference to Authority.-

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the

matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made--

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collectors award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collectors award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

5. Given the said procedure and mechanism available under the statutes, this Court is of the opinion that the writ petition in its present form as of now would not be sustainable and the petitioner should avail the remedy as is available under Section 64 of the said Act of 2013. Reserving the right of the petitioner to avail such a remedy, the writ petition at this juncture stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved