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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4840 of 2021

1. Dosan Lal Sahu, S/o Late Shri Makhan Sahu, Aged About 60 Years, R/o Village Samoda, Police Station Aarang, District Raipur Chhattisgarh
2. Dayalu Ram Yadav, S/o Late Shri Lakhan Yadav, Aged About 55 Years, R/o Village Samoda, Police Station Aarang, District Raipur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Department of Public Works Department, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Collector (Land Acquisition), Raipur, District Raipur Chhattisgarh
3. Sub Divisional Officer (Revenue) and Land Acquisition Officer, Raipur District Raipur Chhattisgarh
4. Executive Engineer, Mahanadi Reservoir Project, Division Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioners – Shri Shailendra Sharma, Advocate.

For State-respondents – Shri Ravi Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2021

1. It is submitted that the petitioners are land owner whose land has been acquisitioned for the Samoda Barrage project of the respondents. The compensation has been determined by way of order dated 26-11-2016. The petitioners have grievance regarding the amount of compensation granted. Hence, this petition.

2. The State counsel representing the respondents opposes the submission and submits that the petitioners have remedy available to file reference under Section 64(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the Act, 2013').

3. After considering on the submissions made by the counsel for both the parties, this petition is disposed off at motion stage. The petitioners are granted

liberty to file reference application under Section 64(2) of the Act, 2013 along with application for condonation of delay under Section 5 of Limitation Act, 1963. The respondents are directed to consider on the reference/representation and the application for condonation of delay and take decision in accordance with law at the earliest. It is made clear that this Court has not made any observation on the merit of the case.

Sd/-

(Rajendra Chandra Singh Samant)
Judge