

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 5169 of 2021**

1. Suktiram S/o Nanhi Aged About 45 Years R/o Village Kudurmoha, Tahsil Charghoda, District Raigarh, Chhattisgarh
2. Dev Singh S/o Dokari Aged About 60 Years R/o Village Kudurmoha, Tahsil Charghoda, District Raigarh, Chhattisgarh
3. Sukhram S/o Sipahi Aged About 60 Years R/o Village Kudurmoha, Tahsil Charghoda, District Raigarh, Chhattisgarh
4. Lagansaay S/o Asharam Aged About 60 Years R/o Village Kudurmoha, Tahsil Charghoda, District Raigarh, Chhattisgarh
5. Sahettar S/o Chamra Aged About 60 Years R/o Village Kudurmoha, Tahsil Charghoda, District Raigarh, Chhattisgarh
6. Chasiram S/o Chamra Aged About 65 Years R/o Village Kudurmoha, Tahsil Charghoda, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary Department Of Industries, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur District Raipur, Chhattisgarh
3. Collector, Raigarh District Raigarh Chhattisgarh
4. Land Acquisition Officer-Cum-Subdivisional Officer (Revenue) Gharghoda, District Raigarh, Chhattisgarh
5. National Thermal Power Company Limited Through Its General Manager Tilaipali Coal Block Project Office At Lailunga Road Gharghoda, District Raigarh, Chhattisgarh

----Respondents

For Petitioners	:	Mr. Surfaraj Khan, Advocate.
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.
For Respondent No. 5	:	Mr. Anand Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board**14.12.2021**

1. The present writ petition has been filed by the petitioners seeking for a direction to respondents No. 3 to 5 for taking appropriate steps in ensuring compliance of an earlier memo issued by the Divisional Commissioner Bilaspur Division dated 03.02.2016 in-respect-of the implementation of the rehabilitation and resettlement package to the land oustees and land losers of Village Kudurmoha, Tahsil Gharghoda, District Raigarh whose lands are said to have been acquired by the State authority for the public purpose of the establishment of a power plant by the respondent No. 5, the acquisition having been done under the Coal Bearing Areas (Acquisition and Development) Act, 1957.
2. Learned counsel for the petitioners makes a categorical statement that the grievance of the petitioners herein is not in respect of the quantum of compensation and that they are not raising a claim for enhancement of compensation. According to the counsel for the petitioners, the relief sought for by the petitioners in the present writ petition, is only for the other benefits which the petitioners would be entitled for under the Rehabilitation and Resettlement package which was in force at the time of acquisition of the properties of the petitioners and of their families. The Divisional Commissioner Division Bilaspur has also in this regard issued a memo to the District Collector District Raigarh on 03.02.2016 (Annexure P/2). The Divisional Commissioner had issued certain instructions to be

complied with and adhered to by the District Administration as also by the Project N.T.P.C. in this regard.

3. Learned counsel appearing for the respondent No. 5 submits that there can be cases where the petitioners may not be entitled for the benefit under the 2013 Act for the reason that the acquisitions and the payment of compensation must have been settled much before coming into force of the Act of 2013.
4. Given the aforesaid facts and circumstances of the case what has to be considered is that once when it is established that the properties of the petitioners or in their families have been acquired be it under the aforesaid Coal Bearing Act 1957 or under the land acquisition unamended Act 1894. The land oustees and also the land losers would be entitled for certain benefits of compensation in accordance with the provisions of law as it stood then. The petitioners were also entitled for the rehabilitation and resettlement benefits in terms of the rehabilitation and resettlement policy governing the field then.
5. It goes without saying that if the lands of the petitioners have been acquired and if they are entitled for the benefits under Rehabilitation Policy, there is no reason why the petitioners should be deprived or denied of their rightful claim for consideration of rehabilitation.
6. Under the said circumstances, the Writ Petition in its present form at this juncture can be disposed of directing the respondents No.3 to 5 to individually scrutinize the claim of each of the petitioners so far as their entitlement under the rehabilitation policy governing the field on the date of acquisition and an appropriate decision so far as

entitlement of the petitioners is concerned, be taken at the earliest preferably within a period of four months from the date of receipt of copy of this order.

7. It is made clear that the claim of the petitioners would be confined only for grant of benefits under the Rehabilitation Policy. The claim has not to be considered for enhancement of compensation.
8. The present writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge