

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 5109 of 2021

1. Udhov Ram S/o Baliram Aged About 50 Years
2. Bhupendra Patel S/o Duryodhan Aged About 43 Years
3. Jeevan Lal S/o Devshankar Aged About 39 Years
4. Raju Choudhary S/o Shivprasad Aged About 64 Years
5. Ranjan Choudhary S/o Raju Choudhary Aged About 35 Years
6. Rajnay Singh S/o Mewalal Aged About 35 Years
7. Bageshwar Rajpur S/o Late Vishnu Dev Singh Aged About 62 Years

All are R/o Village Chandrashekharapur, Tehsil- Dharamjaigarh, District- Raigarh, Chhattisgarh.

---Petitioner(s)

Versus

1. Union of India Through Ministry of Rail 256-A Raisina Road, Rajpath Area Central Secretariat New Delhi 110001.
2. Deputy Chief Engineer South East Central Railway Raigarh, District- Raigarh, Chhattisgarh.
3. Commissioner Bilaspur Division Bilaspur, District- Bilaspur, Chhattisgarh.
4. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer Dharamjaigarh, District- Raigarh, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Hariom Rai, Advocate.
For Respondent/State	:	Shri Rahul Jha, Govt. Advocate.
For Respondent No.1	:	Shri Bhupendra Pandey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13.12.2021

1. The limited relief sought for by the petitioners in this petition is for an appropriate direction for extending the benefits as provided under Schedule-I, Schedule-II and Schedule-III of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, the Act, 2013).

2. The counsel for the petitioners makes a categorical statement that they does not intend to challenge the amount of compensation awarded. All that they are claiming for the benefits under Schedule-I, Schedule-II and Schedule-III of the Act, 2013. The contention of the petitioners is that they have already approached the Divisional Commissioner for the appropriate relief, however, their claim application/representation for the said benefit is still pending consideration.
3. The State counsel on the other hand submits that proper course for the petitioners would had been for moving an appropriate claim application under Section 31 of the Act, 2013, which they should have moved before the District Collector and only thereafter if at all if the petitioners wanted, they could have gone to the concerned Commissioner in the event of any benefits not being extended.
4. Be that as it may, since the limited prayer that the petitioners seek for is for extending the benefits as provided under Schedule-II and III of the Act, 2013, and taking note of the fact so far as contention as per Schedule-I having already been received by the petitioners, and the categorical submissions made by the counsel for the petitioners that they did not intend to challenge the award of compensation, the only relief left for is to consider their claim for other benefits as is provided under Schedule-II and III and also that which is granted under the Act, 2013.
5. Given the said facts, let the petitioners approach the competent authority in addition to the representation that they have already made to the Divisional Commissioner i.e. in case if they want they can move an appropriate application under Section 31 of the Act, 2013, before the concerned District Collector seeking for an appropriate relief as provided under Schedule-II and Schedule-III of the Act, 2013. Subject to petitioners

approaching the District Collector, the claim of the petitioners shall be considered on its own merit in accordance with law at the earliest after due verification and scrutiny of their claims.

6. The concerned District Collector or the Divisional Commissioner, as the case may be, shall consider and decide the claims of the petitioners other than the claim for enhancement of compensation as far as possible preferably within an outer limit of six months from the date of receipt of application.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder