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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 5141 of 2021**

1. Brijesh S/o Bholaram Aged About 28 Years R/o Village- Bijari, Tehsil Gharghora, District Raigarh, Chhattisgarh,
2. Bholaram S/o Late Bhajram Aged About 52 Years R/o Village- Bijari, Tehsil Gharghora, District Raigarh, Chhattisgarh,
3. Jagannath S/o Pancharam Aged About 46 Years R/o Village- Bijari, Tehsil Gharghora, District Raigarh, Chhattisgarh,
4. Ghanshyam S/o Pancharam Aged About 56 Years R/o Village- Bijari, Tehsil Gharghora, District Raigarh, Chhattisgarh,

---- Petitioners

Versus

1. Union Of India Through Ministry Of Coal, Shastri Bhawan, Dr. Rajendra Prasad Raod, New Delhi-110001,
2. Collector, Raigarh, District- Raigarh, Chhattisgarh,
3. Sub Divisional Officer (Revenue) Gharghora, District- Raigarh, Chhattisgarh
4. South Eastern Coalfields Limited, Through Its Managing Director Cum C.M.D. Seepat Raod Bilaspur, District- Bilaspur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Hariom Rai, Advocate.
For Union of India	:	Mr. Tushar Dhar Diwan, Advocate.
For State	:	Ms. Sameeksha Gupta, P.L.
For SECL	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.12.2021**

1. The grievance of the petitioners in the present writ petition seems to be the inaction on the part of the respondents in not extending the

benefits of rehabilitation and resettlement to the petitioners whose lands have been acquired for Mining purposes.

2. The claim of the petitioners is in-terms-of the order of the Ministry of Coal Government of India dated 04.08.2017. The claim of the petitioners also has to be considered in-terms of the benefits as is provided under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act of 2013.
3. Learned counsel appearing for the respondents however submits that there is a huge delay on the part of the petitioners in approaching the Court by way of the present writ petition claiming for the benefits which can otherwise be claimed under the Act of 2013, if at all, if it is applicable.
4. Be that as it may, considering the fact that the claim of the petitioners is only for grant of the benefits under the rehabilitation and resettlement scheme as is provided under the Act of 2013, this Court is of the opinion that the present writ petition for the said relief would not be maintainable. The proper course available for the petitioners would be, to approach the concerned Competent Authority specified under the Act of 2013 for ventilating their grievances.
5. Reserving the right of the petitioners to approach the concerned Competent Authority under the Act of 2013, the present writ petition as of now stands disposed of as not maintainable. However, upon an application being made by the counsel for the petitioners before the Competent Authorities, it is expected that the authorities

concerned would decide the claim on its own merits, subject to due verification of fact so far as the entitlement of the petitioners under the Act of 2013.

Sd/-

**P. Sam Koshy
Judge**