

**(2018) 09 CHH CK 0050**

**Chhattisgarh High Court**

**Case No:** Writ Petition (C) No. 2432 Of 2018

Jyoti

APPELLANT

Vs

Union Of India

RESPONDENT

**Date of Decision:** Sept. 4, 2018

**Acts Referred:**

- Coal Bearing Area (Acquisition & Development) Act, 1957 - Section 14

**Hon'ble Judges:** Prashant Kumar Mishra, J

**Bench:** Single Bench

**Advocate:** Chandresh Shrivastava, Shashank Thakur, Sudhir Bajpayee

**Final Decision:** Disposed Of

### **Judgement**

Prashant Kumar Mishra, J

1. There is no dispute that the petitioner's land has been acquired for the benefit of SECL under the provisions of the Coal Bearing Area (Acquisition

& Development) Act, 1957 (for short 'the Act'). The dispute which subsists between the parties is in respect of adequacy of compensation and the

interest payable on the amount of compensation. The second contest between the parties is about application of rehabilitation policy from the date on

which the land was acquired or under the new policy which came into effect in the year 2012.

2. Learned counsel for the petitioner would submit that the issue concerning applicability of Resettlement and Rehabilitation Policy is governed by the

order passed by this Court in the matter of Ku. Rattho Bai & Another Vs. South Eastern Coalfields Limited & Others {(WPS No.432/2011, decided

on 23.7.2015}, while the same is disputed by the respondents.

3. Insofar as the issue concerning adequacy of compensation and payment of interest is concerned, the petitioner has remedy of moving before the

Tribunal constituted under Section 14 of the Act.

4. Let the petitioner move before the Tribunal within a period of one month from today. On such application for grant of adequate compensation, the

claim of the petitioner shall be decided on merits without raising plea of limitation.

5. For other relief in respect of applicability of rehabilitation policy and grant of employment under the said policy to a member of the petitioner's

family or her dependents, the petitioner may move fresh representation before the respondent/SECL within a period of one month, who in turn, shall

decide the same, in accordance with law within a period of 3 months thereafter. The representation shall be decided by a reasoned order expressly

dealing with the issue as to whether the order passed by this Court in Ku. Rattho Bai (referred to above) is applicable or not.

6. The Writ Petition stands disposed of in the above stated terms.