

(2018) 09 CHH CK 0348

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2592, 2593, 2594 Of 2018

Bhumendra Kumar And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision: Sept. 24, 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, P. K. Bhaduri

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. There is no dispute that the petitioners' lands have 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 petitioners 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 petitioners have remedy of moving before the

Tribunal constituted under Section 14 of the Act.

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

claim of the petitioners 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 petitioners'

family or their dependents, the petitioners 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. All the Writ Petitions stand disposed of in the above stated terms.