

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 2951 of 2021

Sanjay Kumar Rathore **Versus** South Eastern Coalfields Ltd. And others

23.07.2021	Mr. Sanjay Kumar Agrawal, Counsel for the petitioner. Mr. Vinod Deshmukh, Counsel for the SECL/ respondents No. 1 to 4. Mr. Tushar Dhar Diwan on behalf of Ramakant Mishra (ASG), Counsel for Union of India/ respondent 5. Mrs. Sunita Jain, Govt. Advocate for the State/ respondents No. 6 & 7. Heard Learned counsel for the petitioner submits that the land of the petitioner was sought to be acquired and the declaration was made in the year 2010. Subsequently, the compensation was not determined and lately on 24.02.2019 (Annexure P/1) the compensation was determined foregoing the guideline issued by the Government of India (Ministry of Coal) dated 04.08.2017 (Annexure P/5) and the relevant part of the guideline reads as

under:-

Sr. No.	Cases for clarifications	Clarification
3.	Where prior to 1.9.2015 declaration of acquisition under the CBA Act has been published possession of the land has been taken but determination of compensation has not been made under Sec 13(5) of the CBA Act.	Compensation will be determined following the provision of the RFCTLARR Act 2013.
4.	Where prior to 1.9.2015 declaration of acquisition has been published under CBA Act but determination of compensation has not been made under Sec 1+3(5) of the CBA Act and possession of land has not been taken.	Compensation will be determined following the provisions of the RFCTLARR Act 2013.

Learned counsel for the petitioner submits that therefore as of now when the petitioner is going to claim the compensation, he has been asked and forced to sign a declaration that he will not claim for further compensation. He would submit that the petitioner is not against the acquisition but the compensation amount is to be inflated according to the guideline therefore the compensation which has been determined by the respondent may be released and they cannot be asked to sign or forced to avail the amount.

Issue notice to the respondents.

Since Mr. Vinod Deshmukh, Mr. Tushar Dhar Diwan, Counsel and Mrs. Sunita Jain G.A. appear and accept notice on behalf of respondents No. 1 to 4, 5 & 6,7 respectively, PF is not required to be paid.

Perused the guidelines. After perusal of the guidelines of the Government of India dated 04.08.2017 (Annexure P/4) and the determination of the compensation as per Annexure P/1, it is observed that the petitioner shall be entitled to avail the compensation as has been determined subject to the final outcome of this petition. It is made clear that the petitioner shall not be forced to sign any paper to avail the determined compensation as of now which would be determined ultimately at the final adjudication of this petition.

Cc as per rules.

**Sd/-
(Goutam Bhaduri)
Judge**

Rao