

AFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 113 of 2017**

1. Dulari Bai, aged about 65 years, W/o Surendra Kumar, R/o Village Palod, Tahsil Aarang, Distt. Raipur (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Collector, Raipur, District Raipur (Chhattisgarh)
2. Manager (Land) Naya Raipur Development Authority, New Rajendra Nagar, R.D.A. Building Raipur (Chhattisgarh)
3. Sub Divisional Officer Cum Land Acquisition Officer, Aarang Abhanpur, Distt. Raipur (Chhattisgarh)
4. Chief Executive Officer, New Capital Project, Raipur (Chhattisgarh)

---- **Respondent**

For Petitioner

Shri Dayaram Sharma, Sr. Adv. with Shri Himanshu Kumar Sharma, Advocate

For Respondent/State

Shri P.K. Bhaduri, Govt. Advocate

**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****03/03/2017**

1. Petitioner owns an area admeasuring 2.00 acres bearing khasra No.266 & 267 at village Palod, PH No.69/18 RI Block Mandir

Hasod, Tahsil Arang, District Raipur. A part of the said area belonging to the petitioner has been used for construction of road by the Naya Raipur Development Authority (NRDA), however, according to the petitioner, the award passed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013') is only in respect of 0.04 hectares land whereas on the spot much more area belonging to the petitioner has been used for construction of road.

2. On above factual matrix, the petitioner has prayed for a direction to the respondents to demarcate the area and pay the compensation commensurate to the area, which has been used for construction of road.
3. Shri Bhaduri, learned counsel appearing for the respondent/State, would refer to the provisions contained in Sections 64 & 65 read with Section 51 of the Act, 2013 to contend that the nature of dispute raised by the petitioner is within the jurisdiction of the Land Acquisition, Rehabilitation and Resettlement Authority under Section 51 of of the Act, 2013, therefore, the petitioner should approach the said authority.

4. Under Section 51 (1) of the Act, 2013 it is provided that the appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as “the Land Acquisition, Rehabilitation and Resettlement Authority” to exercise jurisdiction, powers and authority conferred on it by or under this Act.

5. Section 64 (1) provides that any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested with a proviso that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority. The second proviso to Section 64 (1) provides that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct

the Collector to make the reference to it within a period of thirty days.

6. A conjoint reading of the above quoted provision would indicate that a person interested may move an application under Section 64 of the Act, 2013 requiring that the matter may be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land and such dispute would be covered within the term 'disputes relating to land acquisition', as referred in Section 51 of the Act, 2013, therefore, in a case where the person interested is alleging that he has been paid less compensation on the plea that he has been paid compensation for lesser area, but much more area has been used by the authority for the stated public purpose, the dispute would fall within the jurisdiction of the State Level Authority.
7. For the foregoing, the writ petition is disposed of with a direction that in the event the petitioner moved duly constituted application before the concerned Collector under Section 64 of the Act, 2013, the Collector shall refer the dispute to the Authority constituted under Section 51 of the Act, 2013.

8. Let the petitioner move the application within a period of four (4) weeks before the Collector and the Collector shall, thereafter, process the application for making reference, within a further period of eight (8) weeks. If the matter is referred by the Collector for decision by the Authority, the same shall be disposed of expeditiously, in accordance with law and on its own merits, within a reasonable time.

Sd/-

Judge  
Prashant Kumar Mishra

