



2024:CGHC:46105-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 778 of 2024

Ashok Kumar S/o Kolbahara Aged About 46 Years R/o Village Paraghat,
Tahsil Masturi, District Bilaspur Chhattisgarh

... Appellant

versus

- 1** - State Of Chhattisgarh Through - The Secretary, Department Of Industries And Commerce, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
- 2** - Secretary Government Of India, Ministry Of Environment And Forest, Paryavaran Bhawan, Lodhi Road, New Delhi
- 3** - Secretary Department Of Revenue And Rehabilitation, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
- 4** - Collector Bilaspur, District Bilaspur Chhattisgarh
- 5** - Tahsildar Masturi, District Bilaspur Chhattisgarh
- 6** - The Director M/s Rashi Steel And Power Limited (Formerly M/s Rashi Strips Private Limited), Bf-1, First Floor, Opposite Axis Bank, Rajiv Plaza, Bilaspur, District Bilaspur Chhattisgarh

... Respondents

For Appellant	:	Mr. Sushobhit Singh, Advocate
For Respondents	:	Mr. Sangharsh Pandey, G.A.
For U.O.I.	:	Ms. Anmol Sharma, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Amitendra Kishore Prasad, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

25.11.2024

1. Heard Mr. Sushobhit Singh, learned counsel for the appellant.
Also heard Mr. Sangharsh Pandey, learned counsel for respondents / State as well as Ms. Anmol Sharma, learned counsel for respondent / Union of India.
2. This writ appeal is presented assailing the order dated 18.09.2024, passed by the learned Single Judge in WPC No. 4654/2024 (***Ashok Kumar vs. State of Chhattisgarh and Others***), whereby, the writ petition filed by the writ-writ-petitioner / appellant herein was dismissed by the learned Single Judge.
3. Brief facts of the case are that the appellant is a landless person and permanent resident of village Paraghat and the appellant was the owner of part of land bearing Khasra No.43/1K and Khasra No.44/2 at village Paraghat total measuring an area of about 0.98 acre. The lands of the appellant were twice crop yielding irrigated agricultural land. The appellant after the sale of his lands in favour of respondent no.6 is a totally landless person and the appellant does not own any other piece of land other than the subject land referred herein above. The respondent No.6 proposed to establish a Iron and Steel Plant at village Paraghat and Beltukri with a capacity of 1 million tonne per year. The respondent No. 6 further proposed to acquire / purchase the part and parcel of the lands at

village Paraghat and Beltukri. The total land required for the project as per the project report was about 593 acres with a total project cost around Rs.3000 crores. The State of Chhattisgarh framed a Model Rehabilitation Policy 2007 with a benevolent motive to provide immediate succor to the persons who are land oustees and who have been displaced from their lands either voluntarily or involuntarily. The Rehabilitation Policy, 2007 provides an elaborate mechanism for providing employment as well as compensation to land oustees / displaced persons. The Rehabilitation Policy at clause 7.2 specifically provides for grant of employment to the land oustees and the clause 4 provides for the minimum compensation package which was to be offered to the land oustees/displaced persons who are affected by the established by the Industrial Project. Clause 4 was further amended w.e.f. 19.03.10 and it was notified that the minimum compensation package for the establishment of an Industrial Project in the State of Chhattisgarh shall be Rs.6 lakhs per acre for barren land, Rs.8 lakhs per acre for unirrigated single crop yielding agricultural land, Rs.10 lakh per acre for twice crop yielding irrigated agricultural land. A decision of the Cabinet of the State of Chhattisgarh was taken on 09.03.10 to extend the benefit of Rehabilitation Policy 2007 including the benefits of employment and minimum compensation package to the land oustees who are affected by the establishment of an Industrial Project. It was resolved and decided by the Cabinet of the State of Chhattisgarh

that the benefits of Rehabilitation Policy, 2007 shall be extended to the land oustees even in cases where the lands are acquired by the Industrial Project by mutual consent. In order to carry out the decision of the cabinet a circular was issued by the Office of Chief Minister to all the District Collectors as well as the Land Acquisition Officers on 25.06.10 directing the Officers of the State that even in cases where the lands were purchased by mutual consent for the establishment of an Industrial Project. The land oustees shall be granted the benefits of the compensation and employment as per the Rehabilitation Policy, 2007. The respondent No.6 applied and obtained the Environmental Clearance Certificate on 10.09.13 for the establishment of Steel and Power Plant at village Paraghat and Beltukri. A mandatory condition as specific condition A Clause 4 was imposed upon the respondent no.6 directing the respondent no.6 that they shall grant all the benefits of the Rehabilitation Policy, 2007 including compensation package to all the land oustees / displaced persons. The writ-petitioner sold his entire of the part and parcel of land bearing Khasra No.43/1Ka and 44/2 total measuring an area of about 0.98 acre by a registered sale deed dated 04.06.13. The appellant however pleads and submits that he was not granted the compensation / sale consideration as per The Rehabilitation Policy, 2007 amended on 19.03.10. The lands of the writ-petitioner was twice crop yielding irrigated agricultural land and the writ-petitioner ought to have been granted the benefit

of The Rehabilitation Policy, 2007 as amended on 19.03.10. The writ-petitioner earlier preferred a writ petition vide W.P.(S) No.4171/2013 wherein notices was issued to respondent no.6 and the respondent no.5 filed his reply duly supported by his affidavit wherein it was stated and admitted that the respondent no.6 is duty bound to follow the Model Rehabilitation Policy and committed to provide all the benefits enshrined under it to the affected persons. The appellant submits that after the issuance of notice in W.P.(S) No.4171/2013 the appellant was granted employment however the appellant was not granted the benefits of The Rehabilitation Policy, 2007 as amended on 19.03.10 to the extent it applies for the grant of minimum compensation package. The writ petition vide W.P.(S) No.4171/2013 was disposed off upon a finding that the appellant has been granted employment and this Hon'ble Court granted liberty to file a duly constituted writ petition (Civil) for the surviving claims of compensation as per The Rehabilitation Policy, 2007 as amended on 19.03.10. The appellant thereupon filed a writ petition (Civil) No. 4654/2024, which was dismissed by the learned Single Judge vide order dated 18.09.2024. Hence this writ appeal.

4. Learned counsel for the appellant submits that the provisions of The Rehabilitation Policy, 2007 are benevolent in nature and has been notified to provide immediate succor and relief to the land oustees who are affected by an Industrial Project. The provisions of the policy provides for the benefits of employment as well as

minimum compensation package to the land oustees / displaced persons and therefore it ought to have been implemented in its letter and spirit by the respondents. The appellant is a less educated in articulate landless person whose entire of the part and parcel of the twice crop yielding agricultural land was acquired/purchased by the respondent private corporation. It has been resolved and decided by the State Cabinet of the Government of Chhattisgarh to extend the benefits of The Rehabilitation Policy, 2007 for the grant of compensation and employment. Even in cases of purchase by mutual consent. A circular was also issued by the Office of Chief Minister directing the state authorities to grant the benefits of The Rehabilitation Policy, 2007 even in cases where the lands has been purchased by the Industrial Project by mutual consent. A mandatory condition has been imposed by the respondent no.6 by the Government of India in the Environmental Clearance Certificate that the respondent private corporation shall grant all the benefits of The Rehabilitation Policy, 2007 including employment and compensation. The respondent No.6 in their return duly supported by affidavit filed before this Hon'ble Court have admitted that the Model Rehabilitation Policy 2007 is applicable upon them and they have bound to grant all the benefits to the land oustees / displaced persons.

5. Learned counsel for respondents opposes the submissions made by the learned counsel for the appellant in his appeal and submits

that the learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the writ-petitioner / appellant herein, in which no interference is called for.

6. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
7. From perusal of the impugned order, it transpires that the learned Single Judge has dismissed the writ petition filed by the writ-petitioner / appellant herein observing that the gazette notification would show that it is specifically made applicable under Clause 4.1.5 of the Model Rehabilitation Policy, 2007, if any, land is acquired for the industrial project, then the amount of compensation to be paid is as per the schedule mentioned therein. Further, it is not the case of writ petitioner that land of writ petitioner was acquired. Once writ petitioner mutually agreed to transfer the land in favour of respondent No. 6 by executing registered sale deed for consideration as mentioned therein, in the opinion of the learned Single Judge, petitioner cannot ask for any further monetary compensation thereafter, as writ petitioner has agreed to accept the sale consideration. Writ petitioner was given suitable employment pursuant to the Model Rehabilitation Policy, 2007.
8. Having gone through the submissions advanced by learned counsel for the parties and having gone through the finding recorded by the learned Single Judge, this Court concurs the

findings and observation made by the learned Single Judge in its order which is impugned herein. We do not find any illegality or irregularity in the order under challenge.

9. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-
(Amitendra Kishore Prasad)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet