



CGHC010214802020

2026:CGHC:28037
NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2320 of 2020**

Sumant Mishra S/o Shri Jaiprakash Mishra Aged About 32 Years R/o G/4,
Sector-2, Avanti Vihar Colony, Raipur District Raipur Chhattisgarh, District :
Raipur, Chhattisgarh

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh, through Secretary, Department of Revenue and
Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur,
District- Raipur (C.G.)

2 - National Highway Authority Of India Through Project Director, Office Of
The Project Director, A-7, Vip Estate Shankar Nagar, Raipur District Raipur
Chhattisgarh, District : Raipur, Chhattisgarh

3 - Collector Raipur District Raipur Chhattisgarh, District : Raipur,
Chhattisgarh

4 - Sub Divisional Officer (Revenue) And Land Acquisition Officer Arang,
Abhanpur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

5 - Tahsildar Arang, District Raipur Chhattisgarh,

--- Respondent(s)

(Cause title is taken from CIS system)

For Petitioner	: Mr. Rohishek Verma, Advocate
For Respondents/State	: Ms. Shailja Shukla, G.A.
For Respondent No.2	: Mr. B.Gopa Kumar, Advocate through V.C.

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****07/07/2026**

1. Petitioner has filed this petition seeking following relief (s) :-

BALRAM
PRASAD
DEWANGAN
Digitally signed
by BALRAM
PRASAD
DEWANGAN

“10.1 This Hon’ble Court may kindly be pleased to call for the entire record relating to the case of the petitioner from the possession of the respondent authorities for its kind perusal.

10.2 This Hon’ble Court may kindly be pleased to direct the issue appropriate order and direct the respondent authorities to consider the case of the petitioner and also directed to release the compensation amount to the petitioner.

10.3 Any other relief as deemed fit and proper by this Hon’ble Court”

2. Learned counsel for petitioner submits that land on which house of petitioner was constructed was affected in the widening/construction of National Highway Road. Sub-Divisional Officer-cum-Land Acquisition Officer has drawn proceeding of land acquisition, which was affected by construction/widening of National Highway Road, however, land possessed by petitioner was not made part of the acquisition proceedings and accordingly, no compensation was awarded to petitioner. He also contended that Land Acquisition Officer in its letter dated 07.11.2017 had intimated officer of respondent No.2 that on the land which is affected due to widening/construction of National Highway Road on land bearing Kh.No.1025 (part) admeasuring 0.0062 hectare on 652 sq.ft. of land, roof tile house was constructed, however, when no steps was taken to grant compensation to petitioner, petitioner has earlier filed writ petition before this Court bearing WPC No. 3802 of 2019, which was disposed of vide order dated 23.10.2019, directing respondent No.2 therein – National Highway Officer to verify whether land of petitioner has been acquired or not for the purpose of widening/construction of National Highway road. On verification if it is

found that land has been acquired, then appropriate proceeding shall be drawn by respondents No.2 and 4, however, till date, no proceeding has been drawn. He also pointed out that earlier petitioner has submitted an application before the Land Acquisition Officer, which was registered and notice was issued to National Highway Authorities, wherein the authorities of NHAI appeared and in the proceedings there is clear mention that respondent No.2 was informed to make proposal for compensation to be paid to petitioner. On the said date, petitioner could not appear and was absent and considering that aspect, the entire proceeding was closed.

3. Learned counsel for respondent No.2/NHAI and learned State counsel would oppose the submission of learned counsel for petitioner and would submit that petitioner was not having any ownership or title over the land bearing Kh. No.1025 measuring 0.0062 hectare. It is contention of learned counsel for respondents that the said land was allotted on patta to one Umakant, S/o Shri Sakharam Bhoi. Land allotted to any persons on patta of abadi land is not transferable and therefore, no title is transferred, even otherwise no compensation is to be paid to any person, who is in possession of the government land, therefore, there is no merit in this case.
4. I have heard learned counsel for parties and also perused the documents placed on record.
5. Petitioner has placed in record copy of sale deed executed by Umakant in favour of petitioner when he is minor of the land allotted to Umakant on patta of abadi land for residential purpose. Even if the submission of learned counsel for respective respondents is to be

accepted that land which was purchased by petitioner was government abadi land allotted on patta to Umakant, then also from the copy of the patta, which is enclosed along with sale deed would show that Naib Tahsildar has granted patta and possessory right over the government land to Umakant for the residential purpose. Land Acquisition Officer based on the application submitted by petitioner has forwarded letter to respondent No.2 mentioning that roof tile house of petitioner was constructed on 652 sq.ft. has been affected due to widening of National Highway Road, however, no compensation has been paid. Respondent No.2 thereafter, has not initiated any proceedings to enquire and to take necessary steps as no documents in this regard has been placed on record along with reply. Based on the application, Land Acquisition Officer has also drawn proceedings, which is filed as part of Annexure P-7. In the proceedings dated 01.11.2017 it appears that representative of respondent No.2 appeared before the Land Acquisition Officer and he was directed to submit proposal computing compensation, however, taking note of the fact that on that date applicant therein was not present, had closed the proceeding.

6. Be that as it may, the grant of compensation on acquisition of property or if any of the property owned by a person is affected by act of State or National Highway Authorities for raising any construction or widening of National Highway road, then concerned person is required to be suitably compensated.
7. In the facts of the case from the documents enclosed along with writ petition by petitioner itself, it is clear that petitioner has purchased

possessory right of abadi land from Umakant. Grant of patta to Umakant is not disputed by the counsel for State in specific terms, which means that State Government by way of patta has granted permission to Umakant to use the land for residential purpose. From the pleadings made in the application, submitted before the Land Acquisition Officer it appears that on the said land after purchasing the possessory right of government abadi land, petitioner has raised construction on 652 sq.ft. of land. What was nature of construction is still to be decided through inspection and enquiry by the respondent authorities, which till date has not been done. Petitioner if not is entitled for compensation towards the land but then if any construction is made by petitioner on abadi patta land as pleaded in the application, then he is entitled for compensation against superstructure, which was affected in the widening of the road.

8. In the aforementioned facts of the case, I find it appropriate to dispose of this writ petition directing respondents No.2 and 4 to initiate the proceedings of enquiry with regard to claim of petitioner that his roof tile house constructed over 652 sqft of land was affected and if after due enquiry, respondent No.2 and 4 come to conclusion that petitioner's construction was affected in the construction/widening of road, then concerned authorities are directed to initiate appropriate proceedings to pay the amount of compensation in accordance with law.
9. Let concerned authorities shall complete the entire exercise as observed above within a period of six months from the date of receipt of this order.

10. With the aforesaid observations and directions, this writ petition stands disposed of.

Sd/-
(Parth Prateem Sahu)
Judge

Balram