



CGHC010175092022



2026:CGHC:35591

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2444 of 2022

- 1 - Smt. Manki Bai Sahu W/o Shri Punaaram Sahu Aged About 46 Years
 - 2 - Smt. Krishna Bai Sahu W/o Shri Kisun Sahu Aged About 44 Years
 - 3 - Chandra Kumar Sahu S/o Late Shri Nachhedaram Sahu Aged About 56 Years
 - 4 - Geeteshwar Sahu S/o Shri Basant Ram Sahu Aged About 36 Years
- All are R/o Village Kareli Badi, Tahsil Magarlod, District Dhamtari (C.G.)

--- **Petitioner(s)**

versus

- 1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
- 2 - The Collector Dhamtari, District Dhamtari (C.G.)
- 3 - The Sub Divisional Officer(Revenue) Kurud, District Dhamtari (C.G.)
- 4 - The Tahsildar Magarlod, District Dhamtari (C.G.)
- 5 - The Secretary Public Works Department, Chhattisgarh, Sirpur Bhawan, Civil Lines, Raipur, District Raipur (C.G.)
- 6 - The Executive Engineer Public Works Department, Dhamtari, District Dhamtari (C.G.)
- 7 - The Sub Divisional Officer Public Works Department, Kurud, District Dhamtari (C.G.)

--- **Respondent(s)**

WPC No. 3163 of 2022

- 1 - Duman Lal Nishad S/o Shri Guhled Ram Nishad Aged About 55 Years R/o Ward No. 14, Magarlod, Police Station And Tahsil - Magarlod , District Dhamtari Chhattisgarh

2 - Basant Kumar Sahu S/o Shri Kranti Kumar Sahu Aged About 35 Years R/o Ward No. 13, Magarlod, Police Station And Tahsil - Magarlod, District Dhamtari Chhattisgarh

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh

2 - The Collector Dhamtari, District Dhamtari Chhattisgarh

3 - The Sub Divisional Officer (Revenue) Kurud, District Dhamtari Chhattisgarh

4 - The Tahsildar Magarlod, District Dhamtari Chhattisgarh

5 - The Secretary Public Works Department , Chhattisgarh Sirpur Bhawan, Civil Lines, Raipur, District Raipur Chhattisgarh

6 - The Executive Engineer Public Works Department, Dhamtari, District Dhamtari Chhattisgarh

7 - The Sub Divisional Officer Public Works Department, Kurud, District Dhamtari Chhattisgarh

--- Respondent(s)

WPC No. 2445 of 2022

1 - Guharam Sahu S/o Shri Ram Dayal Sahu Aged About 54 Years

2 - Smt. Lukas Bai Sahu W/o Late Lakhan Lal Sahu Aged About 67 Years

3 - Haldhar Sahu S/o Bisahuram Sahu, Aged About 64 Years

4 - Jethuram Sahu S/o Gajraj Sahu Aged About 57 Years

5 - Lem Singh Sahu S/o Ghasiram Sahu, Aged About 59 Years

6 - Laxman Yadav S/o Panchram Yadav Aged About 62 Years

7 - Lokeshwar Nath Sahu S/o Rohanlal Sahu Aged About 47 Years

8 - Smt. Sohandra Bai Sahu W/o Rohanlal Sahu, Aged About 72 Years

9 - Bharat Lal Sinha S/o Baliram Sinha Aged About 56 Years

10 - Lokesh Kumar Gond S/o Dewan Singh Gond Aged About 33 Years

11 - Ashwani Kumar Sen S/o Komal Singh Sen Aged About 60 Years

12 - Ashok Kumar Sen S/o Komal Singh Sen Aged About 56 Years

13 - Awadhram Sahu S/o Bisahat Sahu, Aged About 67 Years

All R/o Village Mudibhanwar Prsabuda, Police Station And Tahsil Magarlod, District Dhamtari Chhattigarh.

---Petitioner(s)

Versus

1 - The State Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.

2 - The Collector, Dhamtari, District Dhamtari Chhattisgarh.

3 - The Sub Divisional Officer (Revenue), Kurud, District Dhamtari Chhattisgarh.

4 - The Tahsildar, Magarlod, District Dhamtari Chhattisgarh.

5 - The Secretary, Public Works Department, Chhattisgarh Sirpur Bhawan, civil Lines, Raipur, District Raipur Chhattisgarh.

6 - The Executive Engineer, Public Works Department, Dhamtari, District Dhamtari Chhattisgarh.

7 - The Sub Divisional Officer, Public Works Department, Kurud, District Dhamtari Chhattisgarh.

--- Respondent(s)

WPC No. 2961 of 2022

1 - Indul Ram Sahu S/o Shri Salik Sahu Aged About 59 Years

2 - Angadram S/o Shri Samaruam Aged About 62 Years

3 - Ghasuram S/o Shri Pusaluram Aged About 72 Years

4 - Lakhanlal Sahu S/o Shri Thukel Sahu Aged About 53 Years

5 - Narayan Sahu S/o Shri Akash Ram Sahu Aged About 52 Years

6 - Yagyadutt Sahu S/o Shri Niranjan Sahu Aged About 39 Years

7 - Balluram Sahu S/o Shri Kanshiram Sahu Aged About 57 Years

8 - Omnath Sahu S/o Shri Niranjanlal Sahu Aged About 56 Years

9 - Smt. Kumari Bai Sahu W/o Shri Basantram Sahu Aged About 57 Years

10 - Devnath Sahu S/o Shri Bisahu Sahu Aged About 60 Years

11 - Smt. Jhariharin Sahu W/o Shri Hemlal Sahu Aged About 65 Years

12 - Smt. Shanti Bai W/o Shri Toran Aged About 39 Years

All are R/o Village Kareli Badi, Tahsil Magarlod, District Dhamtari Chhattisgarh.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The Collector Dhamtari , District Dhamtari Chhattisgarh.

3 - The Sub Divisional Officer (Revenue) Kurud , District Dhamtari Chhattisgarh.

4 - The Tahsildar Magarlod District Dhamtari Chhattisgarh.

5 - The Secretary Public Works Department , Chhattisgarh Sirpur Bhawan, Civil Lines, Raipur, District Raipur Chhattisgarh.

6 - The Executive Engineer Public Works Department, Dhamatri, District Dhamtari Chhattisgarh.

7 - The Sub Divisional Officer Public Works Department, Kurud, District Dhamtari Chhattisgarh.

--- Respondent(s)

WPC No. 3332 of 2022

1 - Nitendra @ Jitendra Kumar Bharti S/o Shri Kanwal Ram Bharti Aged About 30 Years R/o Village - Kareli Badi, Police Station And Tahsil Magarlod, District Dhamtari Chhattisgarh.

2 - Dharmendra @ Dhanendra Kumar Bharti S/o Shri Kanwal Ram Bharti Aged About 32 Years R/o Village Kareli Badi, Police Station And Tahsil Magarlod, District Dhamtari Chhattisgarh.

3 - Dharmu Ram Aneshwari S/o Shri Pilau Ram Aneshwari Aged About 74 Years R/o Village - Kareli Badi, Police Station And Tahsil Magarlod, District Dhamtari, Chhattisgarh.

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.

2 - The Collector, Dhamtari District Dhamtari Chhattisgarh.

3 - The Sub Divisional Officer (Revenue), Kurud, District Dhamtari Chhattisgarh.

4 - The Tahsildar, Magarlod, District Dhamtari Chhattisgarh.

5 - The Secretary, Public Works Department Chhattisgarh Sirpur Bhawan, Civil Lines, Raipur District Raipur Chhattisgarh.

6 - The Executive Engineer, Public Works Department, Dhamtari District Dhamtari Chhattisgarh.

7 - The Sub Divisional Officer Public Works Department, Kurud, District Dhamtari Chhattisgarh.

--- Respondent(s)

For Petitioner(s)	:	Shri Roop Ram Naik, Advocate.
For State	:	Shri Shobhit Mishra, Dy AG.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

(12/08/2026)

1. Grievance of petitioners in all these writ petitions is one and the same as such, they are being disposed of by this common order.
2. Learned counsel for the petitioners submits that the petitions have been preferred against the arbitrary, illegal and unconstitutional action of the respondent authorities in widening the road from Nayapara to Bhoyna (WPC No.2444 of 2022) and (WPC No.2961 of 2022), Magarlod to Panduka (WPC No. 2445 of 2022) and (WPC No.3163 of 2022), and Magarlod to Paraswani (WPC No.3332 of 2022), over the land belonging to the petitioners, without initiating or completing the land acquisition proceedings prescribed under the applicable law and without determining and paying lawful compensation to the petitioners. He submits that respondent authorities have proceeded to utilize and take possession of the petitioners' land without following due process of law. The petitioners' land cannot be utilized for a public purpose merely by administrative action, without acquiring the same in accordance with law and without safeguarding the statutory and constitutional rights of the petitioners. The action of the respondents is in violation of Article 300-A of the Constitution of India. The right to property is a constitutional right, and

no person can be deprived of his property save by authority of law. The respondents, therefore, cannot dispossess the petitioners from their land or permanently appropriate the same for road widening without following the procedure established by law. The respondents have also acted in violation of the principles of natural justice by allegedly demolishing the house and shed structures standing over the petitioners' land without issuing any prior notice and without affording the petitioners a reasonable opportunity of hearing. The demolition of the petitioners' structures has caused serious loss and hardship to the petitioners. The respondents could not have resorted to demolition and dispossession without first complying with the mandatory legal requirements relating to notice, acquisition, determination of compensation and payment thereof, wherever applicable. The public purpose of road widening, by itself, does not authorize the respondents to take private property without authority of law. Even where land is required for a public project, the State and its instrumentalities are required to act in accordance with the statutory framework governing acquisition and compensation. The petitioners are ready and willing to cooperate with any lawful acquisition proceedings, but they cannot be compelled to surrender their Bhumiswami/property rights without the respondents first following the procedure prescribed by law and determining and paying the compensation legally due to them. The continued occupation and utilization of the petitioners' land without lawful acquisition and compensation is arbitrary and unsustainable in law. The respondents are therefore liable to be directed to take appropriate steps for acquisition of the affected land in accordance with the provisions of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013, or the other applicable law governing the acquisition. He submits that in the facts and circumstances of the present case, the petitioners are entitled to appropriate relief from this Hon'ble Court, particularly a direction to the respondent authorities to initiate and complete the requisite acquisition proceedings, determine the compensation payable to the petitioners in accordance with law, and pay the same within a time-bound period.

3. Learned counsel for the State submits that on 11/10/2022 when the concerned Revenue Inspector and Halka Patwari alongwith the officials of the ADB, PWD, Raipur started proceedings for demarcation / inspection of the land, they were not allowed by the villagers for conducting the demarcation / inspection of the road area and the government land, therefore, the demarcation / inspection could not be done only on account of obstructions made by the villagers and in this regard, a panchnama has been prepared by the Revenue Inspector and Halka Patwari and the same has been submitted to the Tahsildar, Dhamtari. (Annexure R/5). He submits that if the demarcation process will be hindered it would be difficult to determine the land and the issue will remain unsolved.
4. Having the considered the submission made by State counsel and without entering into the merits of the case, all the writ petitions are **disposed of** while directing the respondent authorities to conduct demarcation in respect of the subject land for widening of road in presence of all the petitioners who are eligible, after following due process of law under Section 129 of the CG Land Revenue Code and the rules appended therein.
5. The petitioners are also directed to cooperate in the demarcation

proceedings and if the petitioners make hindrance for demarcation proceedings, the authorities are directed to lodge FIR against them under the relevant sections.

6. Upon demarcation, if it is found that land of the eligible petitioners has been taken for construction/widening of road, the concerned authorities are directed to take appropriate steps in respect of grant of compensation in accordance with law.
7. The entire exercise starting from demarcation and payment of compensation of eligible petitioners be carried out within a period of 120 days from the date of receipt of copy of this order.
8. It is made clear that this Court has not entered into the merits of the case and authorities are directed to proceed in the matter on their own merits, in accordance with law, after giving due opportunity of hearing to the petitioners.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash