

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2526 of 2010**

1. Paharu, aged about 75 years, R/o village Bharrakuda, Tahsil Katghora, District Korba, CG

--- Petitioner**Versus**

1. State Of Chhattisgarh through Secretary, Water Resources Department, DKS Bhawan, Raipur.
2. Executive Engineer, Water Resources Department, Korba, District Korba, CG
3. Sub Divisional Officer, Water Resources Department, Katghora, District Korba, CG

---- Respondents

For Petitioner:	Shri Ravindra Sharma, Adv.
For Respondents:	Shri Adil Minhaj, PL

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****06/10/2015**

The petitioner is the owner of land bearing Khasra Nos. 187, 188 area 0.749 and 0.413 hectare, and Khasra No. 174, 175 area 0.036 hectare and 0.034 hectare, situate at village Bharrakuda PC No. 17, RI circle Deepika, Tahsil Katghora, District Korba. According to the case of the petitioner, part of the said land has been submerged while constructing the dam by the respondents.

2. Grievance of the petitioner is that though his land has been submerged in the dam, no compensation has been given to him. In the return filed by the respondents, the factum of land of the petitioner being submerged in the dam has not been disputed, rather it has been stated therein that the proposal for compensation has already been forwarded to the authorities concerned and the order thereupon is awaited.

3. In response to the notice issued by this Court for putting the case of the petitioner before the Lok Adalat, a communication dated 3.12.2014 has been sent from the office of Executive Engineer, Water Resources Department, Korba informing this Court that in the case of the petitioner the

award has already been passed in relation to compensation on 21.3.2014 and consequently necessary amount has also been deposited in the office of Sub Divisional Officer (Revenue) Katghora on 30.3.2014. This communication further reflects that on account of pendency of this petition, the compensation amount could not be disbursed to the petitioner.

4. Counsel for the petitioner submits that if as per the communication of the Executive Engineer the amount has already been deposited after passing of the award, at this stage the petitioner may be permitted for withdrawal of this petition with liberty to withdraw the said amount, and if necessary, to challenge the award before the appropriate forum. He submits that as the petitioner has come to know about passing of the award today itself, in the eventuality of making challenge thereto, the higher authorities may be directed not to dismiss the claim of the petitioner on the ground of limitation. He submits that in case the petition desires to receive the amount under award, the revenue authorities may be directed to immediately release the same. The proposition of the petitioner appears to be fair and therefore the same is acceded to.

5. Petition is thus dismissed as withdrawn with the liberty asked for by the petitioner and observations made above by this Court..

Sd/-

(Pritinker Diwaker)
Judge