

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1849 of 2015

1. Chandramani Rathore S/o Shri Pila Ram Rathore Aged About 64 Years R/o Village Hardi Adbhar Nagar Panchayat Ward No. 15 Tahsil Malkharod District Janjgir Champa (Chhattisgarh)
2. Rishi Kumar Rathore S/o Shri Chandramani Rathore Aged About 30 Years R/o Village Hardi Adbhar Nagar Panchayat Ward No. 15 Tahsil Malkharod District Janjgir Champa (Chhattisgarh)
3. Ramji Tiwari S/o Shri P. R. Tiwari, Aged About 70 Years R/o Village Hardi Adbhar Nagar Panchayat Ward No. 15 Tahsil Malkharod District Janjgir Champa (Chhattisgarh)
4. Guru Dutt Duggulal Dwivedi S/o Shri Duggu Lal Dwivedi Aged About 49 Years R/o Village Hardi Adbhar Nagar Panchayat Ward No. 15 Tahsil Malkharod District Janjgir Champa (Chhattisgarh)
5. Sushila Bai Dewangan D/o Shri Bhagirathi Aged About 50 Years R/o Village Hardi Adbhar Nagar Panchayat Ward No. 15 Tahsil Malkharod District Janjgir Champa (Chhattisgarh)
6. Sukhmat Bai Yadav W/o Shri D. Yadav Aged About 52 Years R/o Village Hardi Adbhar Nagar Panchayat Ward No. 15 Tahsil Malkharod District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue Mantralaya, Mahanadi Bhawan Naya Raipur, P. S - Abhanpur District Raipur (Chhattisgarh) P. S. Raipur District Raipur (Chhattisgarh)
2. Collector, Janjgir Champa District Janjgir Champa (Chhattisgarh)
3. Executive Engineer Public Works Department Champa Division Champa P. S. Champa District Janjgir Champa (Chhattisgarh)

---- Respondent

For Petitioner	Ms. Deepali Pandey, Advocate
For Respondent/State	Mr. Shashank Thakur, Government Advocate along with respondent No.3, who is present in person.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/10/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioners had earlier preferred WP(C) No.348 of 2012 and other connecting petitions alleging construction of Sakti Tundri road on their land without acquiring the land and paying any compensation by respondent No.3. The said writ petition was disposed of on 18.04.2012 with a direction to the Collector to get the land demarcated and in the event, any areas belonging to the petitioners are found to have been used for construction of road, proper proceedings for acquisition of land be initiated and the decision thereon including the question of payment of compensation be taken in accordance with law. This Court had fixed time period of 3 months for completing enquiry/demarcation and further period of 06 months for conducting Land Acquisition Proceedings, if required.

(3) Respondent No.3, Executive Engineer, PWD, Champa Division, Champa, is present in person along with the records.

(4) Learned counsel for the State would submit, on instructions, that the proceedings under the Land Acquisition Act, 1894 were initiated, however, on enactment of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, fresh proceedings were required to be drawn in accordance with the new law and the same have also been initiated and are presently pending before the Land Acquisition Officer, Janjgir-Champa.

(5) At this stage, learned counsel for the petitioner would submit

that the petitioners are entitled for compensation along with interest from the date possession was taken over from them.

(6) Admittedly, the construction started way back in the year 2012, therefore, while conducting the Land Acquisition Proceedings, the Land Acquisition Officer shall decide as to on what date the construction started so that the date of obtainment of possession is ascertained and thereafter, decision on payment of interest from the said date on the amount of compensation so determined, be taken in accordance with law. The pending Land Acquisition Proceedings be completed within a period of 6 months from today. It is made clear that since earlier also time period was fixed which was not followed, the above stated time period be strictly followed, failing which, this Court shall take serious view of the matter.

(7) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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