

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1703 of 2015

1. Mohan Lal Yadav S/o Late Bholanath Yadav, Aged About 58 Years R/o Dhank, Police Station Patewa, Tahsil & District Mahasamund (Chhattisgarh), Civil & Revenue District Mahasamund (Chhattisgarh)

---- Petitioner

Versus

1. Union Of India Through The Seceratory, Department Of Road, Transport And Highways, 5th Floor, Transport Bhawan 1, Parliament Street, New Delhi, Delhi-11001
2. National Highways Authority, Road, Transport And Highways, 5th Floor, Transport Bhawan 1, Parliament Street, New Delhi, Delhi-11001
3. Project Director, Project Operation Unit, Raipur, Police Station Civil Lines Raipur, Tahsil & District Raipur (Chhattisgarh), Civil & Revenue District Raipur (Chhattisgarh)
4. Sub-Divisional Officer Cum Land Acquisition Officer Mahasamund, P. S. City Kotwali, Tahsil & District Mahasamund (Chhattisgarh), Civil & Revenue District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner.	: Shri Ratnesh Kumar Agrawal, Advocate.
For Respondent No. 1, 2, 3.	: Shri Rajkumar Gupta, Advocate.
For Respondent no. 4/State.	: Shri S. P. Kale, Dy. Advocate General.

Order On Board

22/09/2015

Heard.

1. The grievance of the petitioner is set out in the petition is that though only 777 Sq. mt. of the land belonging to the petitioner was acquired, while constructing road, the National Highway Authority has encroached upon land more than acquired land of the petitioner. The petitioner has submitted representation to respondent no. 4 but till date no decision has been taken.

2. The nature of dispute between the parties is of factual nature and it would depend upon the demarcation report as to whether, land of the petitioner in excesses of what has been acquired is being encroached upon by National Highway Authority. The SDO/Land Acquisition Officer Mahasamund, shall obtain a demarcation report from the Revenue Authorities. The demarcation shall be done in the presence of the petitioner after giving him due notice of time and date. Depending upon the demarcation report the authorities shall take proper steps. To clarify, it is observed if upon demarcation it is found that land in excess has been acquired is sought to be utilised, it would be acquired in accordance with law before being utilized. However, if it is found that the construction is going on only on that part of the land and the compensation has been given to the petitioner for that land, the authority may continue with the construction activities.

3. In the interest of both the parties, SDO is directed to get demarcation done within a period of 30 days from the date of receipt of certified copy of this order. The petitioner shall submit a copy of this order to SDO within 15 days and on that day itself the SDO shall fix the demarcation under notice to the petitioner.

4. Accordingly, the petition is finally disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge