

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 384 of 2015**

1. Chandrabhabha Kedia, W/o Shri Rajendra Kumar Kedia Aged About 50 Years, R/o C-3 Shri Ram Nagar, T.V. Tower Road, Raipur, Distt.-Raipur Chhattisgarh
2. Vipin Kumar Agrawal S/o Late Shri Kailash Chand Agrawal R/o R-11 Anupam Nagar, Raipur Distt. Raipur Chhattisgarh

---- Petitioners**Versus**

1. Anil Rai, Secretary, Public Works Department, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. D.K. Pradhan Engineer-In-Chief, Public Works Department Government Of Chhattisgarh, Raipur Chhattisgarh
3. Thakur Ram Singh Collector, District Raipur Chhattisgarh
4. S.K. Kori, Chief Engineer Bridge Construction Division, Public Works Department, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Anmol Sharma, Advocate
For respondent	:	None appears

S.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/11/2015**

Heard.

1. This petition has been filed by the petitioners alleging willful disobedience of the order dated 7.7.2014 passed in WPC No.1218 of 2014.
2. Learned counsel for the petitioners submits that from the return of respondent No.4, it is clear that the respondents have acted in willful disobedience of the order of the Court.

3. This Court protected the petitioners against any dispossession except in accordance with law. This Court allowed the respondents to take the possession only either by way of agreement with the petitioner by paying him proper compensation or by acquiring land through proper land acquisition proceedings.
4. Respondents, however, have not given any notice to the petitioner and they have proceeded to acquire the land without giving any notice to the petitioners stating that the land has been recorded in the name of other persons.
5. From the pleading and documents, it appears that when land acquisition proceedings was initiated and notices were issued, notices were issued to recorded owner who appeared to be the erstwhile owner in title of the land, which is now being held by the petitioners in his ownership and title by virtue of purchase. However as the revenue records have not been corrected, the name of erstwhile owner continues to be recorded.
6. Therefore, in these circumstances, I am not inclined to proceed further in the matter. However, it is clarified that respondents shall not dispossess the petitioners unless either the petitioners are offered and they agree to compensation or they are noticed as the subsequent purchasers of the land in the land acquisition proceedings, proper acquisition proceedings drawn and award passed with regard to payment of compensation in accordance with law.
7. With the aforesaid observations, the petition is finally disposed off. Rule is discharged.

Sd/-
(Manindra Mohan Shrivastava)
Judge