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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1903 of 2014**

Rajendra Prasad Gupta S/o Shri Bhagwan Prasad Gupta Aged About 57 Years R/o Village Salka Aghina Post Salka P.S. Bhatgaon, Tahsil Bhaiyathan Civil & Revenue Distt. Surajpur C.G.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Public Health Engineering, Mahanadi Bhawan, Naya Raipur C.G.
2. The Collector Surajpur, Distt. Surajpur C.G.
3. The Executive Engineer Public Health Engineering Khand Surajpur C.G.
4. The Assistant Engineer, Public Health Engineering, Up Khand Pratappur, Distt. Surajpur C.G.
5. Superintending Engineer Public Health Engineering Deptt. Divison Ambikapur C.G.
6. The Sub Divisional Officer Public Health Engineering Department, Surajpur C.G.

**---- Respondents**

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| For Petitioners      | : | Shri Ashok Kumar Shukla, Advocate |
| For Respondent/State | : | Shri B. Gop Kumar, Dy.A.G.        |

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**S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**29/02/2016**

Heard.

1. The petitioner has filed this petition aggrieved by non-payment of appropriate compensation in respect of 2 decimal of land (situated in Survey No.1259 at Village – Salka) belonging to the petitioner which has been occupied and tube-well constructed.

2. Learned counsel for the petitioner submits that the respondent authority, while undertaking a public work of establishing tube-well meant for public benefit of supply of drinking water, used land of the petitioner. The measurement was also carried out by the authority of respondent on 8.3.2014 (Annexure P-5) in which it was revealed that a part of the land of the petitioner has also been occupied. Thereafter, the petitioner claimed that he may be paid appropriate compensation, which was not paid, leading to present petition.
3. Learned counsel for the State submits that the tube-well constructed long back in the year 2003. He submits that the petitioner at that time ought to have raised dispute and prayed for compensation. It has also been submitted that in fact the petitioner had given oral consent for construction of tube-well. Therefore, now he cannot claim compensation.
4. During the course of arguments, as also reflected from the pleadings and documents on record, it cannot be disputed that a small portion of petitioner's land admeasuring 2 decimal has been consumed for construction of tube-well i.e. for a public purpose. This fact being undisputed, the respondent -State is duty bound to pay compensation to the petitioner appropriately as per existing law of compensation.
5. The petition is accordingly allowed. Respondents are directed to work out appropriate compensation payable to the petitioner under the law and make payment of the same as early as possible.

Sd/-  
(**Manindra Mohan Shrivastava**)  
Judge