

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2205 of 2007

- Ashwani Kumar Koushik S/o Shri N.P.Koushik, aged 53 years, R/o Gram - Pand, Post - Saida, Tahsil Sakari, District-Bilaspur, C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary to Govt. of Chhattisgarh, Revenue Department, Mantralaya, Raipur, C.G.
2. The District Collector , Bilaspur, CG
3. Gram Panchayat : Pand Through Sarpanch, Gram Panchayat Pand, Tahsil-Takhatpur, District-Bilaspur,

---- Respondent

For Petitioner
For Respondent-State

Shri A. D. Shrivastava, Advocate
Shri A. S. Kachhawaha, Addl. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/12/2016

1. Learned counsel for the petitioner would submit that the respondents have constructed a road in the year 2005 on his land bearing Survey No.184/3 & 185 without initiating any land acquisition proceeding or paying compensation to the petitioner.
2. In the return filed by the respondents, the above stated fact has not been denied, however, the State has come forward with a plea that construction of road being a public purpose, it was done with the consent of petitioner.

3. Shri Shrivastava, learned counsel for the petitioner would submit, on instruction, that the petitioner has never agreed for use of his land as charity and that he prays for payment of adequate compensation.
4. Considering the entire facts situation of the case, the writ petition is disposed of with a direction to the concerned SDO (Revenue) to demarcate the actual area belonging to the petitioner, which has been used for construction of road and thereafter the concerned department shall initiate land acquisition proceedings and finalize the same to pay compensation to the petitioner. Let the proceedings for demarcation be completed within a period of 2 months from the date of submission of certified copy of this order before the SDO (Revenue) and thereafter the land acquisition proceedings be completed within next 6 months.
5. Accordingly, the writ petition is disposed of in the above stated terms.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala