

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1319 of 2015

Madhoram Satnami S/o Late Bhoko Satnami Aged About 70 Years R/o
Mittumuda, Raigarh, District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, New Mantralaya, Raipur, Distt. Raipur, (Chhattisgarh)
2. The Commissioner, Municipal Corporation, Raigarh, Muncipal Corporation Office, Raigarh, (Chhattisgarh)
3. The Collector, Raigarh, District Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri V.K. Pandey, Advocate
For Respondent No.2	:	Shri R.R. Sinha, Advocate

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

Order On Board

06/04/2016

Heard.

1. Grievance of the petitioner is that while constructing road by respondent-Corporation, a part of the land owned by the petitioner has also been used and the petitioner is deprived of use of a part of his title land.
2. Learned counsel for the petitioner submits that in the demarcation carried out by the Revenue Inspector on 5.2.2014, an area of 0.158 hectares of petitioner's land comprised in kh. No.191/1, 191/2, 191/3 and 191/4 has been included in

the road.

3. Learned counsel for the respondent-Corporation raises grievance that this report cannot be acted upon because demarcation was carried out without notice to Corporation and no representative of the Corporation was present at the time of demarcation.
4. It appears that the entire basis of petitioner's claim is founded on demarcation report dated 5.2.2014 (Annexure P-4) which was prepared without notice and in the absence of any representative of respondent -Corporation.
5. Learned counsel for both the parties arrived at consensus that a fresh demarcation may be made by the revenue authority in the presence of the petitioner as well as representative of the Municipal Corporation.
6. In view of the above submission, I am not inclined to keep the matter pending. The petitioner and the representative of respondent No.2/Corporation shall appear before the Tahsildar, Raigarh on 5.5.2016 along with copy of this order which is now being passed. On appearance so made, the Tahsildar shall direct the Revenue Inspector to carry out demarcation in the presence of the petitioner and representative of the respondent-Corporation.
7. Depending upon the report of the demarcation, the petitioner can lay his claim for compensation before the respondent-Corporation which shall be considered and decided in accordance with law.
8. With the aforesaid observation/direction, the petition is finally disposed off.

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