

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1189 of 2016

- Manju Mishra W/o Shri Rajendra Prasad Mishra, Aged About 45 Years R/o Near Railway Crossing Shanti Nagar, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Collector, Raipur (Chhattisgarh)
3. The Chief Engineer, PWD (B & R), Raipur Zone, Civil Line, Raipur (Chhattisgarh)
4. The Executive Engineer, P W D Bridge and Road Division, Civil Line, Raipur (Chhattisgarh)
5. Land Acquisition Officer and Sub Divisional Officer (Revenue), Raipur (Chhattisgarh)

---- Respondents

For Petitioner	Shri Anand Shukla, Advocate
For Respondent-State	Shri U. N. S. Deo, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/11/2016

1. The petitioner has preferred this writ petition seeking restrain on the respondent authorities to demolish the petitioner's house more than the acquired area and for further direction to the respondent authorities to act as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 and pay compensation for illegal harassment.

2. It appears, the petitioner's land having super structure was acquired for an area of 43.20 square meter by the Land Acquisition Officer, Raipur for construction of railway over bridge at Shanti Nagar, VIP Colony (Railway crossing RV-1, Naya), however, at the time of marking of the area, the Authorities marked more area than the area under the proposed acquisition, therefore, the petitioner has preferred this writ petition to restrain the respondents from demolishing more area than the area proposed to be acquired.
3. Learned State counsel would submit that by an interim order passed by this Court, the demolition has been stayed, which is causing hindrance to the construction of railway over bridge. He would submit that an amount of Rs.30,78,212 has already been paid to the petitioner for the acquired area, however, if more area than the acquired area is required, the State shall carry out demarcation and acquire the remaining area so that the petitioner gets adequate compensation for the entire area used by the respondents.
4. In view of the statement made by the learned State counsel, the writ petition is disposed of with a direction to the Land Acquisition Authorities that it shall carry out demarcation of the acquired area as well as the area which is needed for the subject construction. If the area needed for the subject construction is more than the acquired area, the State Authorities shall proceed to acquire the same in accordance with law and pay adequate compensation to

the petitioner. Let the demarcation be carried out within a period of one month from today and thereafter the entire acquisition proceedings be completed within next 6 months.

5. It is made clear that if the additional area is required by the State Authorities, they shall pay the compensation within the afore-stated period.

Certified Copy as per rules.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala