

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1517 of 2016**

- Mohd. Salim Khan S/o Sheikh Ahmad, Aged About 65 Years R/o. Village Akshaypur, P.S. Ramanuj Nagar, District Surajpur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. Collector, Surjapur, District Surjapur (Chhattisgarh)
3. Sub Divisional Officer- Cum- Land Acquisition Officer Surajpur, District Surajpur (Chhattisgarh)
4. General Manager, Surguja Rail Corridor Private Limited, Ketka Road, Surajpur (Chhattisgarh)
5. Chhattisgarh State Electricity Production Company Limited, Vishrampur, District Surajpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Ms. Hamida Siddiqui, Advocate
For Respondent-State	:	Shri Rajendra Tripathi, PL for the State
For Respondent No.4	:	Dr. NK Shukla, Sr. Adv. with Ms. Priya Mishra, Advocate
For Respondent No.5	:	Ms. Veena Nair, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/12/2016**

1. The present petition under Article 226 of the Constitution of India has been preferred to seek direction against the respondent authorities not to take possession of the petitioner's land which has not been acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013') and for further direction to start land acquisition proceedings or the

respondents may purchase the same after paying adequate consideration to the petitioner.

2. Referring to the documents Annexure P-5 & P-7, learned counsel for the petitioner would argue that the land bearing Khasra No.811, area 0.11 RA out of total area 0.28 RA and land bearing Khasra No.812, area 0.09 RA out of 0.13 RA has been earmarked for construction of railway line for the benefit of respondent No.4, however, the area acquired is only 0.04 Hectares from Khasra No.811 & 0.05 Hectare from Khasra No.812, total area 0.09 Hectares, therefore, the additional land either be acquired or purchased by the concerning respondents.
3. Dr. NK Shukla, learned senior counsel appearing for respondent No.4, for whose benefit the land has been acquired and the railway line is to be constructed, would submit that the document annexure R-5 was prepared without noticing the respondent No.4, therefore, afresh demarcation may be carried out in presence of parties and if any additional land has been used for construction of railway line, appropriate proceedings under the Act, 2013 may be drawn.
4. Having heard learned counsel for the parties and on perusal of the papers, it would appear that there is dispute about the actual area belonging to the petitioner which has been acquired for construction of railway line, therefore, ends of justice would be served if the petition is disposed of with direction that the Sub-Divisional Officer (R), Surajpur, district Surajpur shall demarcate the area belonging to the petitioner which is actually used for construction of railway line. Demarcation be carried out in the presence of the petitioner and respondent No.4 and thereafter if additional area has been used, appropriate proceedings under the Act, 2013 be drawn. Let the

demarcation and sending of proposal for acquisition of additional area, if any, be completed within a period of two weeks from today and thereafter, if required, the land acquisition proceedings be completed within a period of six weeks thereafter.

5. At this stage, learned counsel for the petitioner would propose that the petitioner is ready to sale the additional area to respondent No.4, therefore, it may be kept open for respondent No.4 to enter into negotiation with the petitioner.
6. In view of the statement made by learned counsel for the petitioner, it will remain open for the parties to negotiate and affect private sale of the subject land.
7. Accordingly, the writ petition stands disposed of.

Sd/-

Judge

Prashant Kumar Mishra

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