

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2295 of 2015

1. Riyazuddin S/o Shri Gulam Mustafa, Aged About 30 Years R/o Village Murka, Post Gopalpur, P. S. & Tahsil Rajpur, District Balarampur Ramanujganj (Chhattisgarh)
2. Ramkhilawan, S/o Late Shri Khinaram, Aged About 45 Years R/o Village Murka, Post Gopalpur, P. S. & Tahsil Rajpur, District Balarampur Ramanujganj (Chhattisgarh)
3. Mohammed Muslim, S/o Late Dil Mohammed, Aged About 62 Years R/o Village Murka, Post Gopalpur, P. S. & Tahsil Rajpur, District Balarampur Ramanujganj (Chhattisgarh)
4. Baldev, S/o Late Shri Ramsai Aged About 75 Years R/o Village Murka, Post Gopalpur, P. S. & Tahsil Rajpur, District Balarampur Ramanujganj (Chhattisgarh)
5. Amrit, S/o Late Jhakad, Aged About 45 Years R/o Village Murka, Post Gopalpur, P. S. & Tahsil Rajpur, District Balarampur Ramanujganj (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Government Of Chhattisgarh, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. The Secretary, Department Of Revenue, Government Of Chhattisgarh, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
3. Collector, District Balrampur Ramanujganj (Chhattisgarh)
4. Engineer In Chief, Water Resources Department, Civil Lines, Raipur (Chhattisgarh)
5. Sub Divisional Officer, Revenue Sub Division, Tahsil Rajpur, District Balrampur Ramanujganj (Chhattisgarh)
6. Executive Engineer, Water Resources Division, Balrampur, District Balrampur Ramanujganj (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Sushil Dubey, Advocate.
For State	:	Mr. Satish Gupta, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/04/2016

Heard.

1. The petitioners have filed this petition aggrieved by non-payment of compensation towards use of their land for construction of canal.

2. Learned counsel for the petitioners submits that even though part of the lands owned by the petitioners were used for construction of irrigation canal between the period 2003-2005, despite assurance, no compensation has been paid till date. He submits that at one point of time, land acquisition proceedings were initiated but thereafter, no award was passed and even till date, no compensation has been paid.

3. Learned counsel for the State submits that though it was proposed to acquire the land and the land acquisition proceedings were also drawn, it could not be brought to its logical conclusion within the time stipulated under the then existing acquisition laws with the result that the land acquisition proceedings elapsed.

4. Considering the aforesaid background, land acquisition case of the affected agriculturists has been forwarded to Land Acquisition Officer/ Sub-Divisional Officer (Revenue) Rajpur for passing appropriate award.

5. It is not in dispute that the lands of the petitioners were used. The document (Annexure R/3) on record shows that the proposal for acquisition of lands has been made.

6. It appears that even before the land acquisition proceedings could be concluded, the lands of the petitioners were already utilized for construction of canal. The proposal for passing of award and payment of compensation to the petitioners as forwarded by memo dated 25.01.2016 (Annexure R/3) is therefore required to be brought to its logical conclusion

by the Land Acquisition Officer/ Sub-Divisional Officer (Revenue) Rajpur.

7. The Sub-Divisional Officer (Revenue) Rajpur shall conclude the proceedings within a period of four months, pass award and the compensation payable under the award shall be paid to the petitioners without unnecessary delay.

8. With the aforesaid directions, the petition is disposed off at this stage.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E