

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3224 of 2016**

1. Badri Prasad Rathi S/o Late Narayan Das Rathi, Aged About 65 Years
R/o Mahavir Colony, Mahasamund Chhattisgarh.
2. Dwarka Das Rathi, S/o Late Narayan Das Rathi, Aged About 58 Years
3. Mahesh Chandra Rathi, S/o Late Narayan Das Rathi, Aged About 55
Years
4. Umesh Chand Rathi, S/o Late Narayan Das Rathi, Aged About 52 Years
5. Santosh Kumar Rathi, S/o Late Narayan Das Rathi, Aged About 50
Years

All petitioner from 2 to 5 are R/o Gudhiyari, Raipur (Chhattisgarh).

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Public
Works Department, Civil Lines, Raipur (Chhattisgarh)
2. The Collector, Land Acquisition, Raipur (Chhattisgarh)
3. The Executive Engineer, Public Works Department, Division- 1, Raipur
(Chhattisgarh)

---- **Respondent**

For Petitioners
For Respondent /State

Mr. Ankur Agarwal, Advocate
Mr. Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/12/2016

1. Heard.
2. The petitioners have prayed for issuance of restrain order against the
respondents from proceeding ahead to construct the road on his land

without making acquisition as also to pay compensation in respect of land admeasuring 0.035 hectare and 0.15 hectares at Gudiyari, Raipur.

3. It appears the respondents are widening the existing road and in that process, some land belonging to the petitioner, if any, may be in the process of being used.
4. Referring to document -Annexure P/5, it is contended by learned counsel for the petitioner that the Land Acquisition Officer-cum-SDO(R), Raipur, has found that the petitioner's land is being used for widening of road, therefore, such construction should not take place before the acquisition is completed.
5. Learned counsel for the State would submit that if the petitioner's land is used for widening of road, he is definitely entitled for compensation, but for that, the demarcation of the area would be necessary.
6. Considering the entire facts situation of the case, the writ petition is disposed of with direction that the Collector, Land Acquisition, Raipur shall get the subject land demarcated through SDO(R), Raipur and if in the said demarcation, it is found that the petitioner's land is used for widening of the road, appropriate proceedings for acquiring the same be initiated at the earliest and the petitioner be paid admissible amount of compensation in accordance with law. However, there shall be no stay on widening of the road.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna