

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 418 of 2015

1. Indar Singh Saluja S/o Late Narayan Das Saluja Aged About 65 Years R/o Main Road Lormi, Tahsil Lormi, District Mungeli, (C.G.)
2. Sakuntala Saluja W/o Indar Singh Saluja Aged About 62 Years R/o Main Road Lormi, Tahsil Lormi, District Mungeli, (C.G.)

---- Petitioners

Versus

1. State Of Chhattisgarh Through: The Secretary, Public Works Department, Mahanadi Bhawan, Raipur, (C.G.)
2. Land Acquisition Officer/ Sub Divisional Officer (Revenue), Nehru Chowk, Bilaspur (C.G.)
3. Collector Bilaspur, Collectorate Bilaspur, C.G.
4. Municipal Corporation Bilaspur Through: Commissioner, Nehru Chowk, Bilaspur (C.G.)
5. Superintending Engineer, Public Works Department Division Bilaspur (C.G.)

---- Respondents

For Petitioners	:	Shri Atanu Ghosh, Advocate
For Respondents No. 1 to 3 & 5/State	:	Shri Ramakant Mishra Dy.A.G.
For Respondent No.4	:	Shri B.L. Sahu, Advocate

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

Order On Board

04/04/2016

Heard.

1. The petitioners have filed this petition alleging that without acquisition and payment of compensation, public drainage has been constructed over his land. In para 8.4 of the petition, it has been stated that the State Govt. has

constructed the drain on petitioner's land.

2. Learned counsel for the State/respondents No. 1 to 3 & 5 submits that the drain has not been constructed by the State authority.
3. Learned counsel appearing for respondent No.4 submits that the drain has not been constructed by the Municipal Corporation and it is only a formal party.
4. None of the respondents have disputed that there exists a drain. However, learned counsel for the State submits that the land in dispute has been recorded as grazing land. It is further submitted that drain has been constructed over the land comprised in kh. No.630 and not on the land of the petitioners.
5. The report (Annexure P-3) of the Revenue Inspector clearly shows that drain has been constructed at the spot which includes land admeasuring 1155 sq. ft. comprised in kh No.632/11 and 633/11. This report has been submitted by the Revenue Inspector to the Tahsildar on 3.6.2014.
6. The petitioners shall file an application before the Tahsildar, Bilaspur for taking a decision and recording a finding on the report of the Revenue Inspector, Bilaspur. The inquiry shall be made and final decision shall be taken by the Tahsildar within a period of 4 months from the date of submission of application by the petitioners.
7. If ultimately it is found that the drain has actually been constructed on the land of the petitioners, the Tahsildar shall immediately forward the report to respondent No.2/Land Acquisition Officer, not later than 15 days from the date of his own report, who shall decide the matter as per law for payment of compensation.
8. With the aforesaid observation/direction, the petition is finally disposed off.

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