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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 708 of 2013**

- Rajnandgaon Kapada Majdoor Sangh Registered Office At Railway Chowki, Tulsipur, Rajnandgaon, Through President Prem Narayan Verma, S/o Late Gannu Ram Verma, aged about 64 years, R/o Ward No.14, Mill Chawal Colony, Jail Road, Tahsil & Dist Rajnandgaon, CG

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Government of Chhattisgarh, Town And Country Planning, DKS Bhawan, Raipur, Dist Raipur, CG
2. The Commissioner, Municipal Corporation, Rajnandgaon, CG
3. Sub Divisional Magistrate Rajnandgaon, District Rajnandgaon, CG
4. The Collector Rajnandgaon, District Rajnandgaon, CG
5. The Tahsildar, Distt. Rajnandgaon, CG
6. The Executive Engineer PWD, Rajnandgaon, Distt. Rajnandgaon, CG

---- Respondents

For Petitioner	:	Shri Ashok K. Patil, Advocate
For Respondents-State	:	Shri AS Kachchwaha, Addl. AG for the State
For Respondent No.2	:	Shri Sourabh Sharma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/12/2016**

1. Petitioner has preferred this writ petition seeking compensation from the respondents as they have demolished a part of the building for widening of National Highway No.6 (for short 'the NH-6').

2. The petitioner claims to have purchased an area admeasuring 145 sq. meter from its previous owner Shri Ramlal S/o Laxmilal by registered sale deed dated 02.06.2000. Sometimes in the month of April, 2013 a part of the land with superstructure belonging to the petitioner has been demolished for widening of road, however, no compensation was paid nor proceedings for acquiring the land was ever initiated by the National Highways Authority of India (for short 'the NHAI'). It is argued that the petitioner is entitled to compensation in accordance with law.
3. Shri AS Kachchwaha, learned Additional AG and Shri Sourabh Sharma, learned counsel for respondent No.2 would submit that the road has already been constructed by the NHAI, which has not been arrayed as respondent, therefore, the writ petition is not maintainable. It is also submitted that the petitioner was an encroacher, therefore, he is not entitled for any compensation.
4. Considering the entire facts situation of the case and in view of the fact that this Court cannot proceed to make a fact finding enquiry, ends of justice would be served if the writ petition is disposed of with direction to the petitioner to move representation before respondent No.6, The Executive Engineer PWD, Rajnandgaon, who shall examine the matter and if it reaches to the conclusion that the superstructure was made by NHAI, he shall forward the representation to the competent officer of the NHAI, who was in-charge of widening of NH-6 at the relevant point of time. Respondent No.6 or the NHAI, as the case may be, shall thereafter proceed to demarcate the area belonging to the petitioner to find out as to whether or not area belonging to the petitioner has been used in widening of the road. If any part of petitioner's land has been used and any part of the building

has been damaged, proper proceedings for grant of compensation to the petitioner be initiated in accordance with law.

5. Let the demarcation be carried out by respondent No.6 or by NHAI within a period of three months from the date of submission of representation.
6. Accordingly, the writ petition is disposed of.

Sd/-

Judge

Prashant Kumar Mishra

Ashu