

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2385 of 2016

- Parmeshwar Jain S/o Late Shivram Jain, Aged About 60 Years
R/o Charama, Tahsil Charama, District North Bastar Kanker
Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through The Secretary, National High Way, Public
Work Department, New Delhi,
2. National Highway Authority Of India, New Delhi, Through Union
Of India
3. State Of Chhattisgarh Through Secretary, Public Works
Department, Mantralaya, Mahanadi Bhawan, New Raipur
Chhattisgarh
4. The Assistant Engineer, National High Way and N.H.D.P.P.I.U.
Jagdalpur Cite Office Kanker District Kanker Chhattisgarh
5. The Deputy Sub Engineer, National High Way and N.H.D.P.P.I.U.
Jagdalpur Cite Office Kanker District Kanker Chhattisgarh
6. Sub Divisional Officer, National High Way Public Works
Department, Sub Division, Kanker, District Kanker Chhattisgarh
7. The District Collector, Kanker, District North Bastar Kanker
Chhattisgarh
8. Sub Divisional Officer, Revenue, North Bastar Kanker District
Kanker Chhattisgarh
9. Tahsildar, Charama Tahsil Office Charama District Kanker
Chhattisgarh

---- Respondents

For Petitioner	Shri S. K. Dadsena, Advocate
For Respondent-State	Ms. K. T. Rao, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/11/2016

1. Feeling aggrieved upon receipt of the communication (Annexure-P-1) from the Office of Sub Engineer, National Highways-cum-NHDP PIU, Jagdalpur, the petitioner has preferred this writ petition seeking direction to the respondent Nos.4 & 5 to pay adequate amount of compensation for use of his land for construction of National Highways.
2. It is argued that for construction of National Highway No.43 (New National Highway No.30), the petitioner's land is sought to be used, however, the petitioner has not been offered any compensation nor any proceeding under the National Highways Act, 1956 has been initiated. It is further argued that the petitioner is owner of the land from which he is sought to be evicted, however, no compensation is paid, therefore, there is violation of Article 14 and 21 of the Constitution of India.
3. Considering the contents of the communication (Annexure-P-1), it appears, the petitioner is in occupation of land within 12.5 meters from the center of the road, therefore, he has been directed to remove possession for construction of the National Highways.
4. Considering the petitioner's contention as also the contents of the communication (Annexure-P-1), ends of justice would be served if the petition is disposed of with a direction to the Sub Divisional Officer (Revenue) North Bastar, Kanker to carry out demarcation of the area occupied by the petitioner so as to determine whether any part of petitioner's land is sought to be used for construction of National Highways. If the petitioner's land is coming within the area of construction of National Highways, the Authorities shall

initiate proceedings to acquire the land and pay compensation in accordance with law. It is ordered accordingly.

5. Let the demarcation be carried out within a period of 2 months from today and thereafter, if the land acquisition proceeding is required to be initiated, the said proceeding be initiated within next 3 months for its completion within reasonable time.
6. The writ petition stands disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala