

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3021 of 2016

- Harhar Kumar Patel S/o Shri Teerath Gopal Patel, Aged 54 Years R/o Chuchunbhata, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Town And Country Planning, Mantralaya Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector (Land Division), District Janjgir Champa, Chhattisgarh.
3. The Sub Divisional Officer (R), Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)
4. The Executive Engineer, Public Works Department, Champa Division, Champa, District Janjgir Champa (Chhattisgarh)
5. The Sub Divisional Officer, Public Works Department, Sakti Division, Sakti, District Janjgir Champa (Chhattisgarh)
6. The Tahsildar, Dabhra, District Janjgir Champa (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Malay Shrivastava, Advocate
For Respondent /State	Mr. UNS Deo, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

21/12/2016

1. Heard.
2. Indisputably, the petitioner's land bearing Khasra No.283 and 284/2, total area 0.14 acres, has been used by the Department of Public Works, Government of Chhattisgarh , for construction of Kirari-Kotmi road in the District of Janjgir-Champa and for payment of compensation for such user of land, proposal for

initiating proceedings under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "the Act, 2013") has already been recommended but the acquisition proceedings have not yet started.

3. Considering the documents filed along with the writ petition, which would clearly show that the petitioner's land has been used for such construction and the proceeding for initiation of land acquisition proceedings under the Act, 2013, is pending consideration before the Collector, Janjgir-Champa, the Collector, Jangjgir-Champa is directed to get initiated the proceedings under the Act, 2013 within a period of 02 months and thereafter, complete the same in accordance with law within a further period of 06 months.
4. Based upon the assessment of admissible amount of compensation, the amount be paid to the petitioner in accordance with law.
5. If the petitioner feels aggrieved by inadequacy of the compensation, he would at liberty to move application before the concerned Collector under Sections 64 & 65 of the Act, 2013 for adjudication by the State Level Authority constituted under Section 51 of the Act, 2013.
6. The writ petition stands accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna