

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 335 of 2017**

- Bhagwatilal Jain S/o Late Shri Nathmal Jain, Aged About 65 Years R/o Sambhav, 20 South Avenue, Choube Colony, Raipur, District Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : The Secretary, Government Of Chhattisgarh, Town And Country Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. The Director, Town And Country Planning Raipur, District Raipur Chhattisgarh.
3. Municipal Corporation, Raipur, Through Commissioner, Municipal Corporation, Raipur, District Raipur (Chhattisgarh)
4. Engineer In Chief, Public Works Department, Sirpur Bhawan, Civil Lines, Raipur (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Kishore Bhaduri, Advocate
For Respondent /State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****15/2/2017**

1. Heard.
2. The petitioner has 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 2352 sq. ft., bearing Khasra No.106/26, Mauja

Doomartalab P.H. No.104, 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/2, it is contended by learned counsel for the petitioner that the Tehsildar, 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.
7. Let the proceedings of demarcation be completed within a period of 03 months from today.

Sd/-

Judge

(Prashant Kumar Mishra)

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