

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 375 of 2017**

- Goldi Panjwani S/o Shri Murli Dhar Panjwani, Aged About 33 Years R/o Ward No.1, Bilha, P.S. Bilha, Distt Bilaspur, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Collector, Bilaspur, District Bilaspur, (Chhattisgarh)
3. Sub Divisional Officer (Revenue) & Land Acquisition Officer, Bilha, District Bilaspur, (Chhattisgarh)

---- Respondent

For Petitioner	Ms. Deepali Pandey, Advocate
For Respondent /State	Mr. Ramakant Mishra Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/2/2017**

1. Heard.
2. The petitioner claims to have purchased land bearing Khasra No.140/11 area 1.00 acres from its previous owner Pun Das and others S/o Chowaram.
3. As would appear from the document Annexure P/4 , original Khasra No.140 was admeasuring 125.70 acres, however, in due

course, the said khasra has been subdivided on 93 occasions. The Revenue Inspector has mentioned in the document -Annexure P/4 that all the sub divisions are not entered in the map, therefore, the map is not tallying with the location of the entire Khasra numbers as it exists on the spot. He has concluded in the document that to remove the discrepancy, the entire khasra including the sub divisions is required to be demarcated for preparing fresh map so that the exact position of the respective land is clear on the spot.

4. In the above background, Ms. Deepali Pandey, learned counsel for the petitioner would contend that in the project map prepared by the concerned department, which is undertaking the Arpa Bhaishajhar Project, the subject land is included, however, the petitioner's land is not included in the Notification for acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "the Act, 2013"). She would, therefore, contend that the petitioner's land is used without making payment of the compensation.
5. Mr. Ramakant Mishra, learned Dy. AG for the State would submit that the petition is premature, inasmuch as, it is not clear as to whether the petitioner's land is used for the project or not. He would further submit that none of the document would demonstrate that the petitioner's land is used for the project. According to him, preparation of the map for the project and use of the land are two different aspects.

6. Considering the rival submissions, ends of justice would be served if the writ petition is disposed of with direction that the concerned SDO(R) shall carry out demarcation of the subject land in the petitioner's presence and in presence of the officers of the Water Resources Department to ascertain whether the petitioner's land is falling within the Arpa Bhaisajhar Project.
7. It is ordered accordingly.
8. If it is found that the petitioner's land is falling under the project, the respondents would initiate land acquisition proceedings under the Act, 2013 and complete the same at the earliest in accordance with law. Let the demarcation be completed within a period of 03 months from today.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna